

SUBDIVISION CONTROL ORDINANCE

A PART OF THE COMPREHENSIVE MASTER PLAN FOR

FOR

TIPTON COUNTY, INDIANA

Prepared by:

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Adopted by the:

Tipton County Plan Commission
And
Tipton County Commissioners

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Table of Contents

Section	Page No.
1 GENERAL PROVISIONS	1
1.1 Title	1
1.2 Policy	1
1.3 Purpose of These Regulations	2
1.4 Authority and Jurisdiction	2
1.5 Enactment	3
1.6 Interpretation, Conflict, and Separability	3
1.7 Saving Provision	4
1.8 Repealer	4
1.9 Amendments	4
1.10 Conditions	4
1.11 Citations to Indiana Code	5
1.12 Resubdivision of Land	5
1.13 Vacation of Plats	5
1.14 Variances	5
1.15 Enforcement, Violation, and Penalties	7
2 DEFINITIONS	9
2.1 Usage	9
2.2 Definitions	9
3 APPLICATION AND APPROVAL PROCEDURES	27
3.1 General Procedures	27
3.2 Major and Minor Subdivisions: Sketch Plan Application Procedure for Primary Approval	28
3.3 Major Subdivisions	30
FIGURE 3-1. APPROVAL PROCESS FOR MAJOR SUBDIVISIONS	39
3.4 Minor Subdivisions	40
FIGURE 3-2. APPROVAL PROCESS FOR MINOR SUBDIVISIONS	46
4 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN	48
4.1 General Improvements	48
4.2 Lot Improvements	50
4.3 Streets	53
4.4 Drainage and Storm Sewers	64
4.5 Water Facilities	67
4.6 Sewerage Facilities	69
4.7 Sidewalks	73
4.8 Utilities	73
4.9 Public Uses	75
TABLE 4-3 RECREATION REQUIREMENTS	75
4.10 Preservation of Natural Features and Amenities	78
4.11 Nonresidential Subdivisions	78

5 ASSURANCE FOR COMPLETION OF IMPROVEMENTS	80
5.1 Improvements and Performance Bonds	80
5.2 inspection of Public Improvements	84
5.3 Duties and Powers of Inspectors	84
5.4 As-Built Plans	85
5.5 Failure to Complete Improvements	85
5.6 Recording of Final Plat	85
5.7 Time Limitation to Record Final Plat	86
5.8 Maintenance of Public Improvements	86
5.9 Issuance of Building Permits for Final Phase	86
6 SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED	88
6.1 Sketch Plan	88
6.2 Preliminary Plat	90
6.3 Construction Plans	92
6.4 Final Subdivision Plat	94
6.5 Application for Secondary Approval	94

APPENDIX A: REQUIRED FORMS AND CERTIFICATIONS

Form # 99	County/Developer Inspection Agreement
Form # 100	Application for Minor Sketch Plan Review, Primary Approval and Certification
Form # 101	Applications for Major Sketch Plan Review and Certification
Form # 102	Requests for Primary Approval of a Major Subdivision Plat
Form # 103	Notice of Public Hearing on Subdivision Plat
Form # 104	Notice of Public Hearing Release Form
Form # 105	Notice to Interested Parties: Tipton County Advisory Planning Commission
Form # 106	Tipton County Advisory Planning Commission: Affidavit of Notice to Interested Parties for Primary Subdivision Approval
Form # 107	Sign Posting Affidavit
Form # 108	Request for Secondary Approval of Subdivision Plat
Form # 109	Certificate of Approval (all subdivisions)

Subdivision Control Ordinance

Form # 110	Land Surveyor's Certificate
Form # 111	Dedication Certificate
Form # 112	Subdivision Performance Bond
Form # 113	Performance Bond- Secured by Deposit
Form # 114	Irrevocable Letter of Credit
Form # 115	Maintenance Bond

APPENDIX B: STANDARD DRAWINGS FOR STREETS AND ROADS

APPENDIX C: RELATED ORDINANCE AMENDMENTS

1 GENERAL PROVISIONS

1.1 Title

These regulations shall hereafter be known and cited as the Subdivision Control Ordinance of Tipton County, Indiana.

1.2 Policy

- (1) It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the official Comprehensive Plan related policies for the orderly and efficient development of the County.
- (2) Land to be subdivided shall be of such a character that it can be developed without peril to health or peril from flood, fire or other menace, and land shall not be subdivided until having access to available existing , public facilities and until improvements and proper provision have been made for drainage, water, sewerage, other necessary new public improvements such as schools, parks, recreation facilities, and transportation, facilities adequate for serving the subdivision.
- (3) Both existing and proposed public facilities serving the subdivision shall be properly related and conform to the official County Comprehensive Land Use Plan, related policies and implementation programs including the Capital Budget, Official Map, Thoroughfare Plan, Zoning Ordinance and Housing and Building Codes.
- (4) It shall be the policy of this county to provide opportunities for community growth and development in a manner consistent with land use suitability and the needs of the greater public.
- (5) It shall also be the policy of this county to promote and encourage the development of adequate public service and facilities for the growing population including adequate roadways, police, fire control, water service, sanitary and storm sewers, schools, recreational and health care facilities. The county shall also encourage the development of adequate public utilities, recognizing the need for a balance between said utilities and the cost of their construction and maintenance

1.3 Purpose of These Regulations

- (1) To protect and provide for the public health, safety, and general welfare of the County.
- (2) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies.
- (3) To provide for the safety, comfort, and soundness of the built environment and related open spaces.
- (4) To protect the compatibility, character, social and economic stability and orderliness of all development through reasonable design standards.
- (5) To guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land uses, conserve natural resources such as natural beauty, woodlands, open spaces, and energy both during and after development.
- (6) To protect and conserve the value of land, buildings, and other improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- (7) To avoid the scattered and uncontrolled subdivision of land that would result in the unnecessary imposition of an excessive expenditure of public funds for the supply of services that are a part of community infrastructure.

1.4 Authority And Jurisdiction

- (1) This ordinance was enacted pursuant to Indiana Home Rule and planning enabling legislation. Indiana Code, titles § 36-1-3-4 and the § 36-7-4-700 series, as amended authorizes the Plan Commission to review and recommend approval or disapproval to the County Commissioners of plats for subdivision throughout the County, which show lots, blocks, or sites with or without new streets or highways. This authority extends to the development or resubdivision of undeveloped portions of previously recorded plats.
- (2) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision and is not in conformity with the provisions of these subdivision regulations, or which does not otherwise meet the minimum lot size requirements set forth in the Zoning Figures. Also, no excavation

of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the County.

- (3) Permitted uses and requirements for all lots, parcels, or plats shall be determined by reference to these subdivision regulations, and all other County Zoning Ordinances, Zoning Figures, and the Comprehensive Plan.

1.5 Enactment

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted.

1.6 Interpretation, Conflict, and Separability

- (1) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (2) Conflict with Public and Private Provisions
 - (a) Public Provisions. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule and regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 - (b) Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Plan Commission in recommending approval of a subdivision or in enforcing these regulations. and such private provisions are not inconsistent with these regulations or determinations of the County, then such

private provisions shall be operative and supplemental to these regulations and determinations made of the County. Private provisions can only be enforced privately.

- (3) Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

1.7 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Board of Commissioners of Tipton County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful actions of the County except as shall be expressly provided for in these regulations.

1.8 Repealer

Upon the adoption of these regulations according to law, the Subdivision Control Ordinance of Tipton County, Indiana, adopted December 28, 1962 (revised December 9, 1980) is repealed.

1.9 Amendments

For the purpose of providing for the public health, safety, and general welfare, the Board of Commissioners of Tipton County, upon recommendation of the Plan Commission, may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Plan Commission in the manner prescribed by Indiana law.

1.10 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions, to land subdivision is an exercise of valid police power

delegated by the State of Indiana to this County prescribed by Indiana law. The developer has the duty of compliance with reasonable conditions laid down by the Plan Commission, for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the County. And, to provide for the safety and general welfare of the future plot owners in the subdivision and of the County at large.

1.11 Citations to Indiana Code

Wherever within this ordinance, references are made to a particular Indiana Code citation it shall include any subsequent revision, amendment or recodification.

1.12 Resubdivision of Land

- (1) Procedure for Resubdivision. The Plan Commission reserves the right to deny resubdivision of an approved or recorded subdivision plat, and the remainder of the original parcel or tract from which the subdivision was created, for a period of five (5) years after said approval. The intent of this is for the developer to make public his ideas regarding the ultimate development of the entire, original tract.
- (2) Procedure for Subdivisions Where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided, the Plan Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Construction, of an access road or easement providing for the future opening and extension or a street may be made a requirement of the plat approval.

1.13 Vacation of Plats

The process to vacate a part of a plat, public way or public easement shall be in compliance with Indiana Code 36-7-3-10 through 16, as amended.

1.14 Variances

- (1) General. Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying

the intent and purpose of these regulations; and further provided the Plan Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) the granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other nearby property; and,
 - (b) the conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; and,
 - (c) because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out; and,
 - (d) the variance will not in any manner contravene the provisions of the Zoning Ordinance, Comprehensive Plan, or Thoroughfare Plan as interpreted by the Plan Commission and the County Engineer; and,
 - (e) Variance modifications submitted in writing to the Plan Commission shall be referred immediately to the appropriate jurisdiction their approval or rejection. If such participating jurisdiction approves of such modifications in writing, or fails to either approve or disapprove within thirty (30) days after the same has been referred to them, the Plan Commission may modify such requirement, standards and specifications so as to promote the public health, safety, and welfare, and prevent detriment to the use and value of said land. Provided, however, that nothing herein shall be construed as altering or conflicting with the powers and duties of the Board of Zoning Appeals pursuant to Title 36-7-4-900 series of the Indiana Statutes, as currently amended.
 - (f) The application for variance must be accompanied by a fee of \$330.00, or as amended in the most recent schedule of zoning fees.
- (2) Conditions. In approving variances, the Plan Commission, may impose conditions which will, in its judgment, secure substantially

the objectives of the standards or requirements of these regulations.

- (3) Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Plan Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.15 Enforcement, Violation, and Penalties

(1) General

- (a) It shall be the duty of the Plan Commission Staff or their authorized agents to enforce these regulations and to bring any violations or lack of compliance to the attention of the County Attorney.
 - (b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been recommended for approval by the Plan Commission, in accordance with the provisions of these regulations, and recorded.
 - (c) The division of any lot or any parcel of land into a subdivision, as defined in this ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of one (1) or more new building sites shall not be eligible for a building permit or Certificate of Occupancy. All such described divisions shall be subject to all of the appropriate requirements of this ordinance.
 - (d) No Improvement Location Permit or Building Permit required under the Uniform Building Code, the Zoning Ordinance or this ordinance shall be issued on any property subject to this ordinance until such property is in full compliance with the provisions of this ordinance.
 - (e) Any attempt to subvert this ordinance is grounds for rejection of the subdivision, and the owner and/or agent is subject to the penalties described below in (2).
- (2) Violations and Penalties. Any person who violates a provision of this ordinance or any regulations herein contained, may be found

guilty of an ordinance violation and, upon conviction, shall be fined not less than five hundred dollars (\$500.00) and not more than twenty-five hundred dollars (\$2,500.00) per offense. Each day that a violation continues or is permitted to exist shall constitute a separate offense.

(3) Restraining Provisions

- (a) Any land subdivided in violator of the terms of this ordinance after the effective date hereof, is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.
- (b) The Plan Commission may institute an injunction suit requesting an individual or governmental unit be directed to remove a structure erected in violation of this ordinance, or to make the same comply with its terms. If the Plan Commission is successful in its suit, the respondent shall bear the costs of the action including, but not limited to, attorney fees, court costs, legal advertising and professional services.
- (c) The Plan Commission may institute a suit for mandatory injunction requesting an individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this ordinance, to comply with the provisions of this ordinance. If the Plan Commission is successful in its suit, the respondent shall pay the Plan Commission's reasonable attorney fees and all costs related to the enforcement of this Ordinance.

2 DEFINITIONS

2.1 Usage

- (1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
 - (a) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".
 - (b) A "person" includes a firm, association, organization, partnership, trust, company, or corporation or other legal entity as well as an individual;
 - (c) The word "shall" or "must" is always mandatory, the word "may" is a permissive requirement, and the word "should" is a preferred requirement;
 - (d) "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
 - (e) The word "lot" includes the words "tract", "plot", or "parcel" and
 - (f) Any word or term not defined herein, or not defined in other County zoning ordinances, shall be given a meaning found in a Standard English dictionary.

2.2 Definitions

This section explains the meaning of the more important terms used in the text of these regulations. A graphic illustration of certain definitions is provided in Appendix B. Any zoning, drainage or erosion control terms or words used in the text of these regulations but not defined herein shall have the meaning as defined by the Tipton County Zoning Ordinance and if applicable, the Tipton County Storm Drainage, Erosion, and Sediment Control Ordinance (SEDSCO), the Zoning Ordinance of Tipton County, the Subdivision Control Ordinance and all other laws, rules and regulations. Where the same term has also been defined in other Tipton County zoning ordinances, such additional definition shall, to the extent

possible, be applied in harmony with and used to supplement the definitions herein.

Accessory Building. A subordinate structure, the use of which is incidental to that of the dominant use of the principal building or land.

Agency. See Public Agency.

Alley. A public or private vehicular right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant. The owner of land proposed to be subdivided or his agent or his legal representative.

Advisory Plan Commission. A jurisdictional Plan Commission established under the advisory plan law as defined in the Indiana Code, § 36-7-4-(I 981), as amended.

Arterial. Either a Primary Arterial or a Secondary Aerial as defined in this section.

Block. A tract of land bounded by streets~ or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Block Frontage. Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

Board of County Commissioners, or Board. The legislative body of the county, who shall have the authority of approval of the final plat and construction plans, with benefit of recommendation of the Plan Commission.

Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Attorney. All bonds shall be recommended for approval by the Plan Commission wherever a bond is required by these regulations.

Buffer Landscaping. Any trees, shrubs, walls, fences, berms, or related landscaping features required under this ordinance or the Zoning Ordinance on private lots and privately maintained for buffering lots from

adjacent properties or public rights of way for the purpose of increasing sound and/or visual privacy. (See Screening also.)

Building. Any roofed structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building Code. That County ordinance or group of ordinances establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the County. Also referred to herein as the County Building Code.

Building Permit Official. That official of local government authorized to issue building permits.

Building Setback Line – Building Line. The line nearest the front or side of and across a lot establishing the minimum yard to be provided between any building.

Building Site. A lot, tract, portion of a subdivision, or parcel of land upon which a primary use or principal use building or other structure may lawfully be located or constructed, after obtaining an Improvement Location Permit or building permit and complying with all other applicable laws, ordinances, and regulations. For single family/two family residential uses, only one (1) dwelling shall be permitted per building site, lot or parcel.

Capital Improvement Program. A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the more durable longer lived physical assets for the community are included.

Central Sewerage System. A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision or an existing public sewer system.

Central Water System. A community water supply system including existing and new wells and/or surface water sources and intakes.

treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision.

Certificate. The signed and attested document which indicates that a subdivision has been granted secondary approval by the County Commissioners, with benefit of recommendation from the Plan Commission, subsequent to proper public notice of its hearing.

Checkpoint Agency. A public agency or organization called upon by the Plan Commission to provide expert counsel with regard to a specific aspect of community development or required by law to give its assent before subdivision may take place.

Collector Street. A street intended to move traffic from local streets to aeri-als.

Combined Parcel. A parcel created by combining multiple pre-existing contiguous parcels to create a larger parcel, by use of a new legal description and/or survey which describes and conveys the newly created larger parcel as an undivided single unit. Such combinations or Compilations of land are considered to be divisions of land, as defined By this ordinance, provided that all existing structures and/or Improvements must still meet and comply with applicable setback Requirements. Once combined, however, such parcels shall not be re-divided except in full compliance with this ordinance.

Commission Attorney. The licensed attorney designated by the Plan Commission to furnish legal assistance for the administration of this ordinance or as provided by statute.

Comprehensive Plan. Inclusive physical, social, and economic plans and policies in graphic and verbal statement forms for the development of the County and the constituent communities within its planning jurisdiction, prepared and adopted by the County Commissioners, pursuant to the State Acts, and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Condominium. The division of building(s) and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by the Indiana Code, § 32-1-6-1 through 31.

Construction Plan(s). The maps or drawings accompanying a subdivision plat and showing the specific location and design of

improvements to be installed for the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the plat.

County. Tipton County, Indiana.

County Attorney. The licensed attorney designated by the County Government to furnish legal assistance for the administration of these regulations, or other legal assistance as provided by statute or ordinance.

County Auditor. That County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

County Building Code. (See Building Code.)

County Engineer. The licensed engineer designated by the County to furnish engineering assistance in the administration of these regulations.

County Government. That governmental body of the County empowered to adopt planning and public policy ordinances: the County Commissioners.

County Health Officer. (See Health Officer.)

County Housing Code. (See Housing Code.)

County Recorder. That county official empowered to record and file land description plats.

Cul-de-sac. A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

Dead-end Street. A street or a portion of a street with only one (1) vehicular traffic outlet, and no turnaround at the terminal end.

Department. (See Public Agency.)

Designated Officials. Those officials of the Plan Commission designated in the subdivision ordinance as required signatories for the execution of secondary approval. These officials are as follows: President of the Plan Commission. Plan Commission Secretary, the County Commissioners and other officials as designated.

Developer. The owner of land proposed to be subdivided or his representative. Consent for making applications for development approval shall be required from the legal owner of the premises.

Division. (See Subdivision.)

Drives, Private. Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.

Easement. An authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose(s).

Escrow. A deposit of cash with the Plan Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the County Auditor.

Exempt Divisions. (See definition of Subdivision.)

Existing Parcel. (Also, Pre-existing Parcel). A parcel, tract, lot, or discrete unit of land which was properly and lawfully created pursuant to any prior zoning ordinance or Subdivision Control Ordinance (including any exemptions therefrom) which was in effect at the time said parcel was created; or, any lot which was a single parcel or a combination of separately-described contiguous single parcels conveyed as a whole unit, which was legally described or included in a deed, contract or plat which was of record in the Office of the County Recorder on December 28, 1962 when the original Comprehensive Master Plan and related zoning ordinances were passed and implemented. The owner or developer shall bear the burden of proving that such parcel falls within this definition and exemption.

Existing Single-Family Dwelling. A dwelling which currently exists, for which all proper, required permits have been obtained, and which was in existence at the time the amended Subdivision Control Ordinance was enacted in December 1998.

Final Plat. The map, drawing, or plan described in this ordinance of a Subdivision and any accompanying material submitted to the Plan Commission for secondary approval, and which if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

Flood Hazard Areas. Those flood plains which have not been adequately protected from flooding by the Regulatory Flood by means of dikes,

levees, or reservoirs, and are shown on the Flood Boundary and Floodway Maps ("Floodway Maps") of the Federal Emergency Management Agency (FEMA) or maps provided to the Plan Commission from the Indiana Department of Natural Resources, Division of Water.

Flood Plain. The area adjoining the river or stream which has been or may hereafter be covered by floodwater from the Regulatory Flood.

Flood Protection Grade. The elevation of the lowest point around the perimeter of a building at which floodwaters may enter the interior of the building.

Floodway. (See Regulatory Floodway.)

Floodway Fringe. Those portions of the Flood Hazard Areas lying outside the Floodway, shown on the Flood Boundary and Floodway Maps ("Floodway Maps") of the Federal Emergency Management Agency (FEMA), or maps provided to the Plan Commission from the Indiana Department of Natural Resources, Division of Water.

Foundation. The supporting member of a wall or structure.

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets. (No access for any one lot is permitted to more than one street and that street generally will be the one to have lower traffic volumes and less frequent intersections.)

Frontage Street. Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

Front Yard. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building of the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage.

Governing Body. The body of the relevant local government having the power to adopt ordinances.

Grade. The slope of a street or other public way, specified in percentage (%) terms.

Health Department and (County) Health Officer. The agency and person designated by the County to administer the health regulations within the County's jurisdiction.

High Density. Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet.

Highway, Limited Access. A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.

Housing Code. That county ordinance controlling the continuing safety and healthfulness of buildings for human occupation within the County's jurisdiction. Also referred to herein as the County Housing Code.

Improvements. (See Lot Improvements or Public improvements.)

Indiana Code. The Burns Indiana Statutes Code Edition, which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws "now" in force and applicable. (Usually abbreviated as I.C. herein.)

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department.

Interested Parties. Those parties who are the owners of properties adjoining or adjacent to the proposed subdivision as shown on the sketch plan.

Jurisdiction of the Plan Commission. The unincorporated territory within Tipton County, Indiana that is outside of the two (2) mile radius that defines the jurisdiction of the City of Tipton Plan Commission. Any area controlled by a municipal or town plan commission is also excluded.

Joint Ownership. Joint ownership among persons shall be construed as the same owner: "constructive ownership" for the purpose of imposing subdivision regulations.

Land Divider. The owner of a parcel of land to be further divided through making a Limited Requirement Division.

Landscaping. (See Buffer Landscaping, Screening and Shade Trees.)

Local Street. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

Lot, Comer. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Improvement. Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Low Density. Those residential zoning districts in which the density is equal or less than one dwelling unit per 40,000 square feet.

Major Street. A collector or arterial street.

Major Street Plan. (See Official Map.)

Major Subdivision. Any subdivision not classified as a Minor subdivision including but not limited to a subdivision containing three (3) or more lots, or any size subdivision requiring any new street or access/frontage road, or any extension of the local government facilities, or the creation of any public improvements.

Map. A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.

Marker. A stake, pipe, rod, nail, or any other object that is not intended to be a permanent point for record purposes.

Master Plan. (See Comprehensive Plan.)

Medium Density. Those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.

Minor Subdivision. Any subdivision containing not more than two (2) lots fronting on an existing street which is any improved right-of-way

new street or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Master Plan, Official Map, Zoning Ordinance, or this ordinance. (One (1) of the two (2) lots will be the newly created lot and the other lot shall be the entire portion of the pre-existing parcel being divided.)

Model Home. A dwelling unit used initially for display purposes which typifies the kind of units that will be constructed in the subdivision.

Monument. A physical structure which marks the location of a corner or other survey point.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Official Map. The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County or additions thereto resulting from the approval of subdivision plats Plan Commission and the subsequent filing of such approved plats.

Official Master Plan. (See Comprehensive Plan.)

Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Parcel. A part or portion of land having a legal description formally set forth in a conveyance together with the boundaries thereof, in order to make possible its easy identification.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one side.

Person. A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

Place. An open, unoccupied, officially designated space, other than a Street or Alley, permanently, reserved for use as the principal means of access to abutting property.

Plan Commission, The Tipton County Plan Commission as referred to herein; not the Board of County Commissioners, or any other commission unless so specified.

Plan Commission Secretary The officer appointed by and/or delegated the responsibility for the administration of these regulations by the planning commission. This term shall be construed to include those planning staff members working under the direction of the Plan Commission Secretary in the exercise of his responsibilities in regard to the processing of these Subdivision Regulations.

Plat. A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Plan Commission for approval.

Primary Approval. An approval or approval with conditions imposed, granted to the subdivision by the Plan Commission after determined in a public hearing that the subdivision complies with the standards prescribed in this Ordinance (per I.C. { 35-7-4-700 series: Subdivision Control}).

Primary Arterial. A street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the county; and/or as a route for traffic between communities; a major thoroughfare.

Primary Use. (Also Principal Use). The principal predominate use of the real estate.

Principal Use Building. A building in which the principal or primary use of the lot or parcel is conducted. For single-family and two-family residential uses, it is the main dwelling unit. For multi-family residential uses, it is the main dwelling unit. Only one (1) Primary Use Building is permitted per lot or parcel. If multiple buildings on a lot or parcel are

engaged in the same primary non-residential use, the building housing that use's operating or managing office is considered the Primary Use Building; all others are considered accessory buildings.

Public Agency. An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

Public Improvement. Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.

Rear Yard. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

Registered Land Surveyor. A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer. An engineer properly licensed and registered in the State of Indiana or permitted to practice in Indiana through reciprocity.

Regulatory Flood. That flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources; this flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

Regulatory Flood Elevation. The maximum elevation, as established by the Indiana Department of Natural Resources, reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision under consideration.

Regulatory Floodway. The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory

Flood of any river or stream shown on the Flood Boundary and Floodway Maps ("Floodway Maps") of the Federal Emergency Management Agency (FEMA), or maps provided to the Plan Commission from the Indiana Department of Natural Resources, Division of Water.

Restrictive Covenants. Limitations of various kinds on the usage of lots or parcels of land within a subdivision which are proposed by the subdivider, and, in the case of public health, safety and welfare by the Plan Commission, that are recorded with the plat and run with the land.

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to adoption any the of regulations controlling subdivisions.

Replat. A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

Right-of-way. A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

Road(s), or County Roads. (See Street(s).)

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

Same Ownership. Ownership by the same person, corporation, firm, entity partnership, or unincorporated associations; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Screening. Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fenced at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except as permitted or required under the Zoning Ordinance. Where required by the Zoning Ordinance a screen shall be installed along or within the lines of a plot as a protection for adjoining or nearby properties. Earth berms may be incorporated as part of such screening measures where appropriate.

Secondary Approval. The stage of application for formal approval of a final plat of a subdivision from the County Commissioners, with benefit of recommendation from the Plan Commission, of the construction of which has been completed or substantially completed which, if approved and signed by the Designated Officials may be submitted to the County Recorder for filing.

Secondary Arterial A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

Setback. A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures may be erected as prescribed in the County Zoning Ordinance.

Shade Tree. A tree in a public place, special easement, or right-of-way adjoining a street as provided in these regulations.

Side Lot Lines. Any lines separating two lots other than front or rear lot lines.

Sketch Plan. The initially submitted graphic representation of a proposed major subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form acceptable to the Plan Commission; and, in the case of a minor subdivision, the drawing or drawings indicating the proposed manner of layout of the subdivision meeting conditions of the subdivision ordinance to be submitted to the Plan Commission for approval.

Special Landscaping. Areas of tree planting, shrubs or other landscape features serving a public purpose and maintained by the County. (See also Buffer Landscaping and Screening.)

State Acts. Such legislative acts of the State of Indiana as they affect these regulations.

State Plane Coordinates System. A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

Street, Arterial. A street designated for large volumes of traffic movement. Certain arterial streets may be classed as Limited Access Highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

Street, Dead-end. A street or a portion of a street with only one (1) vehicular-traffic outlet.

Street, Collector. A street planned to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

Street, Local. A street designated primarily to provide access to abutting properties, usually residential. Certain local streets may be Marginal Access Streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets.

Street, Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the street.

Streets, Classification. For the purpose of providing for the development of the streets, highways, and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the County or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the respective zoning districts of the County and its present and estimated future traffic volumes and its relative importance and function as specified in the County Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification of the Official Map.

Plan and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the respective zoning districts of the County and its present and estimated future traffic volumes and its relative importance and function as specified in the County Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification of the Official Map.

Structure. Anything constructed or erected that requires location on or in the ground or is attached to something having a location on or in the ground.

Subdivider. Any person who (1), having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2), directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision; or who (3) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot parcel site, unit, or plat in a subdivision; and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision. The division or re-division of any parcel of land shown as a unit, or as contiguous units on the preceding transfer of property into two (2) or more parcels, sites, or lots, for the purpose, whether immediate or future, of transfer of ownership.

The following divisions of land shall not be considered a subdivision.

- (a) The sale or exchange of land between adjoining lot owners, where such sale or exchange does not create additional building sites or:
- (b) A division and/or allocation of legal ownership interests in land, by Court Order or Decree, without any actual physical division of the parcel of land and in which the original legal description or size of the parcel remains unchanged:
- (c) Easement for the extension and maintenance of public sewers, water, storm drainage, or other public facilities.
- (d) A Division of land for federal, state, or local government to acquire any right-of-way or easement.
- (e) A division of land into cemetery plots for the purpose of burial of corpses.

Subdivision. The division or re-division of any parcel of land shown as a unit, or as contiguous units on the preceding transfer of property into two (2) or more parcels, sites, or lots, for the purpose, whether immediate or future, of transfer of ownership.

The following divisions of land shall be considered exempt from the requirements of this Ordinance:

- (a) The sale or exchange of land between adjoining lot owners or for the combining with an existing adjacent parcel, provided no additional building sites are created and that all involved parcels comply with the Tipton County zoning Ordinance.
- (b) A division of land that results in a tract and any remaining tract or tracts that are at least 20 acres in size used for agricultural purposes.
- (c) A division and/or allocation of legal ownership interests in land, by Court Order or Decree.
- (d) Any land being divided or acquired by a public agency or utility for a street/highway or utility right-of-way or easement, other than those required for a subdivision as defined in this Ordinance.
- (e) A division of land which had an existing residential, business or agricultural structure located on the parcel upon the date of September 5, 2006 and which meets the Tipton County Zoning Ordinance standards and regulations.
- (f) A change or correction in lot lines of a recorded plat that does not increase the number of lots or create non-conforming lots.
- (g) A division of land into cemetery plots.

Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and is not involved developing, marketing or selling real property in the subdivision.

Subdivision, Major. (See major Subdivision.)

replaced when the adjoining area is developed and the through street connection made.

Thoroughfare Plan. The part of the Master Plan, now or hereafter adopted which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways and other thoroughfares. (See Also Official Map.)

Yard. A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Zoning Ordinance. That County ordinance setting forth the regulations controlling the use of land in the unincorporated areas and in those jurisdictions within the County not controlling land use through their own zoning ordinances. Also referred to as the County Zoning Ordinance.

3 APPLICATION AND APPROVAL PROCEDURES

3.1 General Procedures

- (1) Preliminary Consultation: Pre-design Conference. Prior to submitting any of the materials required by this ordinance, the applicant or his representative should discuss with the Plan Commission or its designated official the nature of the land division being proposed, so that the applicant may be instructed concerning the classification of the subdivision and what regulatory procedures apply to it and must be followed under this ordinance in order to secure primary and secondary approval. Where applicable, requirements concerning the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services should be discussed. The distinction between Major and Minor subdivisions as defined in this ordinance shall be made by the Plan Commission or its designated official when the applicant submits an application for plan approval in the case of Major and Minor subdivisions.
- (2) Classification of Land Divisions. All land to be divided shall be categorized into one of three (3) main classes of land division indicated in this ordinance's definition of subdivision. These classes are:

 - (a) major subdivisions,
 - (b) minor subdivisions, and

Before any permit shall be granted for a structure to be erected on land to be subdivided into a major or minor subdivision, the subdividing owner or his subdivision agent shall apply for and secure approval of the proposed subdivision in accordance with Section 3.2 and either Section 3.3 or Section 3.4 of this ordinance as appropriate.

3.2 Major and Minor Subdivision: Sketch Plan Application Procedure For Primary Approval

- (1) Application Requirements. In order to begin the subdivision process the applicant shall file an application for review of sketch plan and certificate, with the Plan commission Secretary and be entitled to a signed receipt for same. This application shall:
- (a) be made on forms available at the Office of the Plan Commission and signed by the owner;
 - (b) include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which the contract of sale was executed. If any corporations or other legal entities are involved, the Plan Commission may request a complete list of all directors, officers, and equitable owners;

- (c) include a preliminary plan of the subdivision that shall show, in writing, the manner in which the proposed subdivision is coordinated with the Comprehensive Plan and its provisions, including the appropriate requirements set forth in the Zoning Figures. Specifically , it will show relationship to the requirements of the Thoroughfare Plan; school and recreational sites; shopping centers; community facilities; sanitation; water supply and drainage; agricultural related operations, and other land uses existing and proposed in the vicinity. However, no land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider. Or if such land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth or rock formations, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.
- (d) be presented to the Plan Commission Secretary in duplicate;
- (e) be accompanied by a minimum of three (3) copies of the sketch plan;
- (f) be accompanied b,/a fee of \$330.00 plus \$15.00 per lot, or as amended in the most recent schedule of zoning fees.
- (g) include an address and telephone number of an agent located within the territory of the Plan Commission who shall be authorized to receive all notices required by this ordinance; and,
- (h) include a listing signed by the checkpoint agencies indicating that they have received a copy of the proposed sketch plan or a certification that it has been sent.

- (2) Checkpoint Submission. In order to fulfill this last application requirement, a copy of the proposed sketch plan shall be submitted to each of the agencies appropriate to the "plan" location so that their comment may be made to the Plan Commission. The Plan Commission shall request that all officials and agencies to whom a request for review has been made submit a written report to them within twenty-one (21) days after receipt of the request. No response from an agency may be interpreted as meaning "no objection".

The agencies which may be affected by the location of the plat are, but not limited to, the following:

County Drainage Board
County Health Department
County Soil & Water Conservation District
County Highway Department
County Engineer
County Surveyor
Local Postmaster
*County Sheriff
*Township Fire Department
*Township School Board
*Required for a major subdivision only.

Comment forms for Checkpoint Agencies are found in Appendix A.

- (2) Classification of Subdivision. After an application for sketch plan approval has been submitted, and at the time of sketch plan review the Plan Commission shall classify the proposed subdivision as either major or minor as defined in this ordinance. The required procedures and approvals for major subdivisions are described in Section 3.3; corresponding information concerning the minor subdivision approval process is provided in Section 3.4.

3.3 Major Subdivisions

- (1) General Procedures for Primary and Secondary Approval. Should the Plan Commission during sketch plan review, classify the proposed land division as a major subdivision, the subdivider shall follow the procedures and be subject to the processes outline in Figure 3-1, and detailed in this Section. In addition to a sketch plan which is reviewed by

the Plan Commission and checkpoint agencies, the applicant seeking approval of a major subdivision shall submit a preliminary subdivision plat to be recommended for approval, conditional approval, or rejection by the Plan Commission at a public meeting, and a final subdivision plat which must be found in compliance with the preliminary plat as recommended for approval by the Plan Commission or otherwise approved in order to be signed and recorded.

- (2) **Official Submission Dates.** The deadline for submittal of a sketch plan and application for certificate of approval shall be ten (10) calendar days prior to the date of a scheduled meeting, and forty-one (41) calendar days prior to the deadline for the submission of the preliminary plat.
- (3) **Plan Review Process.** Within a reasonable period of time after the subdivider's sketch plan application submittal, the Plan Commission shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the possible modifications and/or changes that may be suggested or required by this ordinance. The Plan Commission shall invite a representative of each checkpoint agency to attend a scheduled meeting of the Plan Commission to review sketch plan. In taking into consideration the requirements of this ordinance, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map or Thoroughfare Plan, and Comprehensive Plan as adopted by the participating jurisdictions. The proceedings of that meeting will be included in the minutes of the meeting of the Plan Commission.
- (4) **Preliminary Plat Procedures for Primary Approval**
 - (a) **Submission Requirements.** Following the submission, review and report on the sketch plan application, the subdivider may file for primary approval of a preliminary plat. This submission shall:
 - (i) Include indication of all land which the applicant proposes to subdivide and all land immediately adjacent and across any street or railroad right-of-way, extending six hundred

Application and Approval Procedures

(600) feet there from, but not more than two property owners deep from the proposed subdivision, with the names and addresses of the title owners as shown in the Auditor's files. This information may be shown on a separate current Plat Map reproduction from the Auditor's Office showing the boundaries of the subdivision superimposed thereon.

- (ii) Be presented in duplicate to the Plan Commission Secretary no later than ten (10) Calendar days prior to the regular meeting of the Plan Commission at which it is intended to be heard.
 - (iii) Be accompanied by ten (10) copies of the preliminary plat as described in this ordinance.
 - (iv) Generally comply with the sketch plan as reviewed.
- (b) Placement on the Plan Commission Agenda. Subsequent to the submission for primary approval, the Plan Commission shall place the matter on its next regular meeting agenda for formal action.
- (c) Administrative Review. Subsequent to placement on the agenda, and prior to the date of public hearing, the Plan Commission Secretary and other appropriate members of the Plan Commission's Staff shall review the proposal and prepare a written report to the Plan Commission and application indicating a recommendation with regard to the subdivision being proposed.
- (d) Public Hearing Notification and Sign Posting Requirements. The Plan Commission shall hold a public hearing on the preliminary plat and notice of such hearing shall be in at least one (1) local newspaper of general circulation ten (10) days prior to the hearing (I.C. § 5-3-1, as amended) at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the applicant has placed posters provided by the Plan Commission Secretary (advising interested parties of the hearing) at the locations designated by the Plan

Commission Secretary on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested parties shall also be notified by the applicant of the date, time, place and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing by certified mail. The applicant shall file with the Plan Commission at the time of the public hearing an affidavit so testifying along with the certified mail receipts provided by the post office.

- (e) Primary Approval of the Preliminary Plat. After the Plan Commission has held a hearing upon the preliminary plat, the Plan Commission Secretary's report, checkpoint recommendations, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Plan Commission shall at a scheduled meeting, take the application under advisement, grant primary approval, conditional approval or disapproval of the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore at the next scheduled meeting. Any plat not approved may not be resubmitted for primary approval in the same form. If a plat is rejected at any stage, the Developer shall not resubmit a proposed plat on the same parcel for a period of one (1) year. Before the Plan Commission approves a preliminary plat showing park reservation(s) or land for another local governmental unit, the Plan Commission shall obtain approval of the park or land reservation from the participating jurisdiction. Primary approval by the Plan Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of primary approval, per I.C. § 36-7-4-708(d) as amended.
- (f) Field Trip. The Plan Commission, at its discretion, upon hearing the request for primary approval, may elect to continue the matter until its next regularly scheduled public meeting and may schedule a field

Application and Approval Procedures

trip to the site of the proposed subdivision, accompanied by the applicant or his representative or any other person or persons at the discretion of the Plan Commission.

- (g) **Effective Period of Primary Approval.** Unless extended, the primary approval of a preliminary plat shall be effective for a period of three (3) years after the date of primary approval, at the end of which time secondary approval of the subdivision must have been obtained and certified by the Designated Officials. Secondary approvals must comply with any amendments to this ordinance. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for sketch plan review and certificate subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon request of the applicant the Plan Commission may extend the primary approval of a preliminary plat in increments of one (1) year beyond an expiration date without further notice and public hearing.

(5) Approval of Construction Plans

- (a) Submission Procedure and Requirements.** Following the review of the sketch plan and prior to submission of the final plat for secondary approval, the applicant, if he wishes to proceed with the subdivision, shall file with the Plan Commission Secretary before starting work on any improvements four (4) sets of the detailed plans and specifications thereof for approval.
- (b) Review Process.** The Plan Commission Secretary shall immediately refer these plans to the appropriate agencies of the affected participating jurisdiction for review. Once these agencies indicate their approval of the construction plans, the Plan Commission Secretary shall stamp the plans approved and return one (1) set to the applicant. In no event shall secondary approval (of the final plat) be given prior to approval of the construction plans.
- (c) Installation of Improvements.** The installation of improvements shall be inspected by the appropriate participating jurisdiction. Such inspections are required in all instances regardless of whether the work is performed before or after secondary approval. Failure to request or to procure inspection of work performed after the date of this ordinance and before secondary approval may be cause of denial of secondary approval.

(6) Final Plat Procedure (Secondary Approval)

- (a) Submission Requirements.** Following primary approval or conditional primary approval of the preliminary plat and approval of the construction plans, the applicant, if he wishes to proceed with the subdivision, shall file with the Plan Commission Secretary a request for secondary approval of a final plat. The application shall:
 - (i)** be submitted on forms available at the Office of the Plan Commission;
 - (ii)** include the entire subdivision, or section thereof which derives access from an existing state, county, or municipal roadway;

- (iii) be accompanied by ten (10) copies of the final plat as described in this ordinance;
 - (iv) totally comply with the ordinance and the terms and conditions of primary approval;
 - (v) be accompanied by a fee of \$200.00 plus \$5.00 per lot, or as amended in the most recent schedule of zoning fees.
 - (vi) be accompanied by the performance bond, if required, in a form satisfactory to the Plan Commission Attorney and in an amount established by the Plan Commission upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements;
 - (vii) be accompanied by any restrictive covenants in a form recommended for approval by the Plan Commission, where they have been proposed by the subdivider or required by the Plan Commission.
- (b) **Determination of Conformance (Secondary Approval).**
In order to be recorded, a final plat shall be found to be in conformance with the primary approval by the Plan Commission, and notification made at a scheduled meeting. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Plan Commission at a public meeting for a new primary approval.
- (c) The Plan Commission shall determine conformance with the Primary approval and notification made at a scheduled meeting. The subdivider shall request Plan Commission review in writing no less than twenty (20) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Plan Commission shall place the matter on its next regular meeting agenda, the Plan Commission Secretary shall review the proposal and prepare a written report and recommendations to the

applicant; and, at the next scheduled meeting, the Plan Commission shall recommend for approval or disapproval the final plat. If granted secondary approval it shall be signed by the Designated Officials. If not granted secondary approval, then the subdivider shall be informed as to the insufficiency of his submittal.

- (d) Sectionalizing Plats. Prior to granting secondary approval of a major subdivision plat, the Plan Commission may permit the plat to be divided into (2) or more sections and may impose such conditions upon the filing of the sections as it deem necessary to assure the orderly development of the plat. The Plan Commission may require that the performance bond be in such amount as will be commensurate with the section or sections of the plat to be filed and defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least twenty (20) lots or ten percent (10%) of the total number of lots contained in the approved plat whichever is less. The approval of all remaining sections not filed with the Plan Commission Secretary shall automatically expire after three (3) years from the date of primary approval of the preliminary plat, unless the expiration date has been extended.

(7) Signing and Recording a Plat

(a) Signing of Plat

- (i) When the filing of a performance bond is required, the Designated Officials of the Plan Commission shall endorse approval on the plat by signing the certificate only after the bond and the construction plans have been approved, and all the conditions of the primary approval have been satisfied.
- (ii) When installation of improvements is required the Designated Officials of the Plan Commission shall endorse secondary approval of the plat by signing the certificate after all conditions of the primary approval have been

satisfied, all improvements satisfactorily completed and accepted for public maintenance (when required), "as built" construction plans submitted (as required by section 5.4. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the appropriate Board of Works, County Commissioners, Town Board and/or the County Drainage Board that the necessary improvements have been accomplished.

(b) Recording of Final Plat

- (i)** The Designated Officials shall sign the certificate which shall be part of the Tracing cloth or reproducible mylar of the subdivision plat, plus three (3) mylar prints of the subdivision plat. Two mylar prints shall be returned to the subdivider and his engineer or surveyor and one (1) mylar print shall be delivered to the County Surveyor's Office.
- (ii)** It shall be the responsibility of the subdivider in the presence of the Plan Commission Secretary or his designee to file the plat with the County Recorder within thirty (30) days of the date of signature. Failure of the Subdivider to file the plat as herein provided within thirty (30) days shall constitute a violation of this ordinance.

3.4 Minor Subdivisions

- (1) General Procedures for Primary Approval. Should the Plan Commission, upon examination of the sketch plan application, classify the proposed land division as a minor subdivision, the subdivider shall follow the procedures and be subject to the process outlined in Figure 3-2, and detailed in this Section. In addition to a sketch plan which is reviewed by the Plan Commission and checkpoint agencies for primary approval by the Plan Commission, the applicant seeking approval of a minor subdivision shall submit for secondary approval a final subdivision plat which must be found in compliance with the sketch plan or otherwise recommended for approval by the Commission in order to be signed and recorded.
- (2) Official Submission Date and Placement on the Agenda. An application for sketch plan approval shall be submitted no less than ten (10) calendar days prior to a regularly scheduled public meeting of the Plan Commission, at which the proposal is intended to be acted upon. The Plan Commission Secretary shall place such application of the agenda of the first regularly scheduled meeting of the Plan Commission to occur thirty (30) days after the date on which complete application is submitted.
- (3) Sketch Plan Review Process. Within a reasonable period of time after the subdivider's sketch plan application submittal, the Plan Commission shall have studied the proposal, reviewed checkpoint reports, received, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be suggested or required by this ordinance. The Plan Commission Secretary shall request that a representative each checkpoint agency that wishes to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this ordinance, particular attention shall be given to sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet subdivided, and the requirements of the Official Map or Thoroughfare Plan and Comprehensive Plan as adopted by the participating jurisdictions. Subsequent to the meeting the Plan Commission Secretary shall provide the participants with a written record of the proceedings of that meeting.

- (4) Administrative Review. Subsequent to placement on the agenda, and prior to the date of public hearing, the Plan Commission and other appropriate members of the Plan Commission's Staff shall review the proposal and prepare a written report to the Plan Commission and applicant indicating a recommendation with regard to the subdivision being proposed.
- (5) Public Hearing Notification and Sign Posting Requirement. The Plan Commission shall hold a public hearing on the sketch plan and notice of such hearing shall be in at least one local newspapers of general circulation ten (10) days prior to the hearing (per I.C. § 5-3-1, as amended at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the applicant has placed posters provided by the Plan Commission Secretary (advising interested parties of the hearing) at the locations designated by him on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested parties shall be notified by the applicant of the date, time, place and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing by certified mail. The applicant shall file with the Plan Commission at the time of the public hearing an affidavit so testifying, along with the certified mail receipts provided by the post office.
- (6) Primary Approval of the Sketch Plan. After the Plan Commission has, at a regularly scheduled meeting, examined the sketch plan, Plan Commission's report, checkpoint recommendations, testimony, and exhibits submitted, the Plan Commission shall at a regularly scheduled meeting, take the application under advisement, grant primary approval, conditional approval or disapproval of the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore at the next scheduled meeting Any plat not approved may not be resubmitted for primary approval in the same form. If plat is rejected at any stage, the Developer shall not resubmit a proposed plat on the same parcel for a period of one (1) year. Primary approval by the Plan Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until the minimum of

thirty (30) days has elapsed since the granting of primary approval or conditional approval or conditional primary approval per I.C. 36-7-4-708(d), as amended.

- (7)** Effective Period of Primary Approval. Unless extended, the primary approval of a minor sketch plan shall be effective for a period of one (1) year after the date of primary approval, at the end of which time secondary approval of the subdivision must have been obtained and certified by the President and Secretary of the Plan Commission. Secondary approvals must comply with any amendments to this ordinance. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for sketch plan review and certificate, subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon written application of the applicant, the Plan Commission may extend the primary approval of a minor sketch plan in increments of one (1) year beyond an expiration date without further notice and public hearing.
- (8)** Final Subdivision Plat Procedure for Secondary Approval

 - (a)** Application Requirements. Following approval or conditional approval of the sketch plan, the applicant, if he wishes to proceed with the subdivision, shall file with the Plan Commission Secretary an application for secondary approval of a subdivision plat. The application shall:

 - (i)** be submitted on forms available at the Office of the Plan Commission;
 - (ii)** include the entire subdivision or section thereof;
 - (iii)** be accompanied by ten (10) copies of the final subdivision plat as described in this ordinance;
 - (iv)** be accompanied by a fee of \$200.00 plus \$5.00 per lot, or as amended in the most recent schedule of zoning fees.
 - (v)** totally comply with the ordinance and the terms and conditions of approval;

- (vi) be accompanied by the performance bond, if required, in a form satisfactory to the Plan Commission Attorney and in an amount established by the Plan Commission upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements; and,
 - (vii) be accompanied by restrictive covenants in a form approved by the Plan Commission, where proposed by the subdivider or required by the Plan Commission.
- (b) Determination of Conformance (Secondary Approval).

In order to be recorded, a final subdivision plat shall either be found to be in conformance with the sketch plan approved by the County Commissioners, with recommendation from the Plan Commission. If the final subdivision plat deviates from the sketch plan that received primary approval, the subdivision shall be resubmitted to the Plan Commission at a public hearing for a new primary approval.
- (c) The Plan Commission shall determine conformance with the primary approval and notification made at a public hearing. The subdivider shall request Plan Commission review in writing no less than twenty (20) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Plan Commission shall place the matter on its next regular meeting agenda. The Plan Commission shall review the proposal and prepare a written report and recommendations to the applicant; and, at the public hearing, the Commission shall recommend for approval or disapproval the final plat. If granted secondary approval it shall be signed by the Designated Officials. If not granted secondary approval, then the subdivider shall be informed as to the insufficiency of his submittal.

(9) Signing and Recording a Plat

(a) Signing of Plat .

- (i) When the filing of a performance bond is required, the Designated Officials of the Plan Commission shall endorse approval on the plat by signing the certificate after the bond and the construction plans have been approved, and all the conditions of the primary approval have been satisfied.
- (ii) When installation of improvements is required the Designated Officials of the Plan Commission shall endorse secondary approval on the plat by signing the certificate after all conditions of the primary approval have been satisfied, all improvements satisfactorily completed and accepted for public maintenance (when required), "as built" construction plans submitted (as required by section 5.4, and a maintenance bond provided (as required by section 5.1(2)(f). There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the appropriate Board of Works, County Commissioners, Town Board and/or the County Drainage Board that the necessary improvements have been accomplished.

(b) Recording of Plat

- (i) The Designated Officials shall sign the certificate granting secondary approval which shall be part of the tracing cloth or reproducible mylar of the subdivision plat, plus two (2) mylar prints of the subdivision plat. The mylar prints shall be returned to the applicant and his engineer or surveyor.
- (ii) It shall be the responsibility of the subdivider in the presence of the Plan Commission Secretary or his designee to file the plat with the County Recorder within thirty (30) days of the date of signature. Failure of the subdivider to file the plat as herein provided within thirty (30) days shall constitute a violation of this Ordinance.

County Drainage Board
County Health Department
County Soil & Water Conservation District
County Highway Department
Local Postmaster

CHECKPOINT AGENCIES

FIGURE3-2. APPROVAL PROCESS FOR MINOR SUBDIVISIONS

4 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN

4.1 General Improvements

- (1) Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

 - (a) all applicable state and local statutory provisions;
 - (b) the County Zoning Ordinance, Building and Housing Codes, and all other applicable laws and ordinances of the appropriate jurisdictions;
 - (c) the Comprehensive Plan, Official Map or Thoroughfare Plan, Public Utilities Plan, and Capital Improvements Program of the County including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted;
 - (d) the special requirements of these regulations and any rules of the Health Department and/or appropriate state agencies;
 - (e) the rules and regulations of the Indiana Department of Transportation if the subdivision or any lot contained therein abut a state highway or state frontage road;
 - (f) the highway and drainage standards and regulations adopted by the County Engineer and all boards, commissions, agencies, and official of the County; and,
 - (g) all pertinent standards contained within still valid planning guides published by the Plan Commission.
- (2) Plat approval may be withheld if a subdivision is not in conformity with the above guides and requirements or with the policies and purposes of these regulations established in Section 1.4 of this ordinance.
- (3) Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Plan Commission may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the Plan Commission Attorney.

- (4) Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another jurisdiction the County Commissioners may request assurance from the County Attorney that such access is legally established, and from the County Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in the amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross municipal boundary lines.
- (5) Boundary Improvements
- (a) The subdivider shall have placed, under the supervision of a Registered Land Surveyor, concrete monuments in accordance with Section 4.3(12). They shall be set following grading of each phase of the subdivision. Until completion of the subdivision, the subdivider shall be responsible for perpetuating these monuments, and shall replace, at his own expense, any monuments disturbed or destroyed.
- (b) The subdivider shall have placed, under the supervision of a Registered Land Surveyor, markers in accordance with Section 4.3(12). They shall be set prior to the issuance of any Building Permit.
- (6) Character of the Land. No land shall be subdivided unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the developer. Also, no land shall be subdivided which the Plan Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, any easements, or other features which might reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or it's surrounding areas, or the community as a whole.
- (7) Subdivision Name. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to designate the name of the subdivision that shall be determined at the time of primary approval.

4.2 Lot improvements

- (1) **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing building permits to build on each of the created lots in compliances with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on such lots from the appropriate approved street.
- (2) **Lot Dimensions.** Lot dimensions shall comply with the minimum standards in the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning direct, the Plan Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to the street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for all of the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.
- (3) **Double Frontage Lots and Access to Lots**

 - (a) **Double frontage lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide for the separation of residential development from the traffic on bordering arterials or to overcome specific disadvantages of topography and orientation affecting the subdivided lots.
 - (b) **Access from Lots.** Where driveway access from the county road is desired, the Plan Commission shall require that such access be designed and arranged so as to avoid requiring vehicles to back into traffic on county roads. These requirements shall be a recommendation to the County Commissioners, who shall have the final approval on all driveways that connect to county roads.

(4) Soil Preservation, Grading and Seeding

- (a)** Soil Preservation and Final Grading. No certificates of occupancy shall be issued until final grading has been completed in accordance with the approved construction plans and the lot precovered with top soil having an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed as described above, and shall be stabilized by seeding or planting.
- (b)** Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area. Drainage shall be designed so as to avoid the accumulation of storm water on any one or more lots from adjacent lots. It shall be the responsibility of the lot owner to maintain the lot grade, as it applies to drainage, as provided for in the approved construction plans.
- (c)** Lawn-grass Seed and Sod. Lawn-grass seed should be sown at not less than four (4) pounds to each one thousand (1000) square feet of land area. The seed shall be sown in an appropriate time frame to avoid freezing weather. Sod may be used to comply with any requirement of seeding set forth herein.

- (5)** Debris and Waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of any kind shall be buried in any land, or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

- (6)** Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever the Plan Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the County Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

- (7) Waterbodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among that of the adjacent lots. The Plan Commission may approve an alternative allocation of interests whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No part of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street from which it has access, provisions shall be made for installation of a culvert or other structure, of a design approved by the County Engineer.
- (8) Performance Bond to Include Lot Improvement. The performance bond shall include an amount to guarantee completion of all requirements contained in Section 4.2 of these regulations including, but not limited to, soil preservation, final grading, lot drainage, lawn-grass, seeding, removal of debris and waste, fencing, and all other lot improvements required by the Plan Commission. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond, the County Commissioners may enforce the provisions of the bond where compliance with the provisions of this section or any other applicable law, ordinance, or regulation has not occurred.
- (9) The covenants of a major subdivision adjacent to cultivated fields shall state that there should be a buffer twenty-five (25) feet in width in those areas adjacent to said fields. This area shall be free of landscaping and trees, and shall be grassed for as long as the adjacent property continues to be cultivated for agricultural purposes. In the case of a major subdivision, no part of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is used for this buffer.

4.3 Streets

(1) General Requirements

(a) Frontage on Improved Streets. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there is not an Official Map, unless such a street is:

(i) an existing state, county, or township highway, or

(ii) a street shown upon a plat granted approval by the Plan Commission and recorded in the office of the County Recorder of Deeds. Such street or highway must be suitably improved as required by the highway rules, regulation specifications, or orders, or be secured by a performance bond required under these regulations, with the width and right-of-way required by these regulations or an indicated on the Official Map or Thoroughfare Plan. Whenever the area to be subdivided is to use an existing street frontage, such street shall be suitably improved as provided herein above.

(2) Grading and Improvement Plan. Streets shall be graded and improved and conform to the *INDOT Design Manual* and the latest *AASHTO Guidelines for the Design of Highways and Street* (1984) as well as County standards and specifications. Streets shall also be approved as to design and specifications by the County Engineer, in accordance with the construction plans required to be submitted prior to secondary approval.

(3) Topography and Arrangement

- (a)** Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided. Specific standards are contained in the design standards of these regulations.
- (b)** All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map or Thoroughfare Plan, and/or Comprehensive Plan.
- (c)** All arterials and collector streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers, to population densities; and to the pattern of existing and proposed land uses.
- (d)** Minor or Local streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.
- (e)** Rigid, rectangular "gridiron" street patterns are generally to be avoided, and the use of casually curvilinear streets, cul-de-sacs, or loop streets shall be encouraged where such use will result in a more desirable lay-out and relate better to the existing topography. On flat land, innovative, varying geometrical street patterns shall be encouraged where they are likely to enhance visual interest and a sense of order for those using them (e.g., non-grid rectilinear, trapezoidal, polygonal, or other geometric patterns).
- (f)** Proposed streets shall, where appropriate, be extended to the boundary lines of the tract to be subdivided unless this is prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission, such extension(s) is/are not necessary or desirable for the coordination of the layout of the subdivision under consideration with the existing street layout or for the most

advantageous future development of adjacent tracts (see paragraph 11 (a) below).

- (g) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, bikeways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.

(4) Blocks

- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial streets, railroads, and waterways.
 - (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand six hundred (2,600) feet nor be less than four hundred (400) feet in length. Blocks along arterials and collector streets shall not be less than one thousand (1000) feet in length.
 - (c) In long blocks the Plan Commission may require the reservation of easements through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks not less than ten (10) feet wide, may be required by the County Commissioners through the center of blocks more than eight hundred (800) feet length or at other appropriate locations and at the ends of the cul-de-sacs where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined to be suitable by the Plan Commission for the intended use.
- (5) Access to County Roads.** Where possible, lots in single family residential subdivisions fronting on county roads shall be avoided and lots at the corners of intersections of or between county roads shall have access to the minor of the two county roads as determined by the Plan Commission, with recommendation from the County Highway Department.

Where a subdivision borders on or contains an existing or proposed county road, the Plan Commission may propose to the County Commissioners that access to it be limited by one of the following means:

- (a) the subdivision of the lots as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial and screening shall be provided within a strip of land along the rear property line of such lots;
 - (b) a series of cul-de-sacs, or loop streets entered from and designed generally to be at right angles to an access street that is some distance from and parallel to the arterial street, with the rear lines of their terminal lots backing onto the arterial; and,
 - (c) a marginal access, frontage, or service road (separated from the primary arterial by a landscaped and/or decoratively fenced grass strip and having thereto at a minimum of 920 feet (see also 4.2 (3)).
- (6) **Street Names.** The sketch plan, as submitted shall indicate names of proposed streets of proposed streets. As part of its review the Plan Commission shall refer proposed street names to the local postmaster and other appropriate agencies (e.g. "911") for their comments regarding duplication of names and possible confusion. After reviewing the Plan Commission shall inform the subdivider of its recommendations for their possible revision during sketch review. The Plan Commission shall be the final authority for street names and addresses. Names shall be sufficiently different in sound and in spelling from other street names in the County or other nearby areas so as to avoid confusion. A street which is, or is planned as, a continuation of an existing street shall bear the same name.
- (7) **Street Regulatory Signs.** The applicant shall provide and install a street sign at every street intersection within his subdivision as required by the County Engineer. The County shall inspect and approve all street signs before issuance of Certificate of Occupancy for any residence on the approved streets.
- (8) **Street Lights.** Installation of street lights shall be required in accordance with design and specification standards approved by the County Engineer. Street light standards and fixtures shall also be in accordance with the design standards of the County.

(9) Construction of Streets

- (a)** Construction of Streets other than Cul-de-sacs. The arrangement of streets shall provide for the continuation of streets between adjacent subdivisions or other properties when such continuation is necessary for the convenient movement of traffic, for effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end (stub) street temporarily, the right-of-way shall be provided for all such temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. Temporary turnarounds must be provided at the ends of such stub streets. The Plan Commission may limit the length of temporary dead-end streets in accordance with the design standards in these regulations.
- (b)** Cul-de-sacs (Permanent Dead-end Streets). Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the Plan Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Plan Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with County construction standards and specifications available from the County Engineer's office. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards in these regulations.

(10) Design Standards

- (a)** General. In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access for police, fire-fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate street location in order to achieve a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required. (Street classifications may be indicated in the Comprehensive Plan, Thoroughfare Plan, or on the Official

Map; otherwise, they shall be determined by the Plan Commission.)

- (b) Street Surfacing and Improvements.** After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause the roadways to be surfaced to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Adequate provision shall be made for culverts, drains, and bridges. All street pavement, shoulders, drainage improvements and structures, curbs, turn-arounds, and sidewalks shall conform to all construction standards and specifications adopted by the Plan Commission, County Engineer, or the County Commissioners and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. All construction shall be in accordance with the latest edition of the INDOT Standard Specifications, as supplemented.
- (c) Excess Right-of-way.** Right-of-way widths in excess of the standards designed in these regulations shall be required whenever, due to topography, additional width is necessary to provide for adequate and stable earth slopes. Such slopes shall not be in excess of three to one (3:1).
- (d) Railroads and Highways.** Railroad rights-of-way and any road, street, or highway right-of-way where so located as to affect the subdivision of adjoining lands shall be treated as follows:

 - (i)** In residential districts a buffer strip at least twenty five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the right-of-way. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon other than earth berms, walls, fences and other landscape screening devices recommended for approval by the Plan Commission is prohibited."
 - (ii)** In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to a railroad shall, wherever

practical, be at a sufficient distance therefrom to ensure a suitable depth for commercial or industrial sites.

- (iii) Streets parallel to a railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(e) Intersections

- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically recommended for approval by the Plan Commission.
- (ii) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersections. Where a street proposed within a subdivision intersects with a county road, their alignment shall be continuous and shall be at least 920 feet apart.

- (ii) (iii) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

- (iv) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
- (v) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trimming trees) in connection with the grading of the public right-of-way to the extent deemed necessary by the County Engineer to provide an adequate sight distance.
- (vi) The cross-slopes on all streets, including intersections shall be two percent (2%).
- (f) Bridges of primary benefit to the applicant, as determined by the Plan Commission shall be constructed at the full expense of the applicant without reimbursement from the County. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Plan Commission will be fixed by special agreement between the County and the applicant. Said cost shall be charged to the applicant pro-rata as the percentage of his land developed and so served.

(11) Street Dedications and Reservations

- (a) New Perimeter Streets.** Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Plan Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required right-of-way width within his own subdivision's boundaries.
- (b) Widening and Realignment of Existing Streets.** Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate such streets at his own expense. Such frontage street and other streets on which subdivision lots front shall be improved and dedicated by the applicant at his own expense to the full width required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying the yard or area requirements of the Zoning Ordinance.
- (c) New Streets to be Dedicated by the Subdivider.** Any street proposed for dedication to the county for acceptance and future maintenance must be constructed consistent with the appropriate provisions contained in this document, and have a *minimum length of 1,320 feet*.

(12) Monuments and Markers

- (a)** Shall be placed so that the center of the bar or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
- (b)** Monuments shall be set:
 - (1)** At the intersection of all lines forming angles in the boundary of the Subdivision.
 - (2)** At the intersection of street property lines.

(c) Markers shall be set:

- (1) At the beginning and ending of all curves along street property lines.
- (2) At all points where lot lines intersect curves, either front or rear.
- (3) At all angles in property lines of lots.
- (4) At all other lot corners or boundary angles not established by a monument.

(d) Monuments shall be of stone or concrete, with minimum dimensions of four (4) inches by four (4) inches by thirty-six (36) inches, set vertically in place. They shall be marked on top with a brass plug, or iron or copper dowel, at least three-eighths (3/8) inch thick, set flush with the top of the monument deeply scored with a cross. Markers shall consist of iron pipes or steel bars at least thirty-six (36) inches long, and not less than five-eighths (5/8) inch in diameter. The County may accept other forms of Monuments if a request is made before the approval of the Final Plat.

(e) The placement of monuments shall be done by Registered Land Surveyor and must be witnessed and approved by a representative of the County Surveyor's office.

(13) Pavement Thickness

The following minimum pavement thicknesses for asphalt pavement shall be used:

ROAD CLASSI- FICATION	SURFACE, No. 11	BINDER, No. 8 or 9	BASE, No. 5	COMP. AGG. BASE, No. 53
Arterial or Industrial	1"	2"	*6"	8"
Collector	1"	2"	*6"	6"
Local or Residential	1"	2"	3"	6"

*Denotes course to be placed in two lifts.

The following minimum pavement thicknesses for concrete pavement shall be used:

ROAD CLASSIFICATION	PORTLAND CEMENT CONCRETE PAVEMENT
Arterial or Industrial	10"
Collector	9"
Local or Residential	8"

(14) Standard Drawings

Other applicable standard drawings are found in Appendix B.

- (1) General Requirements. The Plan Commission shall not grant approval for any subdivision plat that does not make adequate provision for storm or flood water runoff channels or basins, or subsurface drainage. The storm water drainage system shall be separate and independent of any sanitary sewer system. All drainage calculations shall be in accordance with the HERPICC Stormwater Drainage Manual (July, 1995), or other approved method that is approved in advance by the County Engineer, and a copy of the design computations shall be submitted along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than six hundred (600) feet in the gutter or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. Where retention and/or detention ponds are used, an attempt to meet setback standards should be made.

Pipe and drainage structure materials and installation shall comply with the City of Indianapolis, Department of Capital Asset Management, Standard Details for Construction of Stormwater Drainage Improvements.

- (2) Nature of Storm Water Facilities

- (a) Location. The applicant may be required by the Plan Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the County's construction standards and specifications.

- (b) Accessibility to Public Storm Sewers or Legal Drains

- (i) Adequate provision shall be made for the disposal of storm water, including all subsurface drainage, specifically septic perimeter drains. In major subdivisions and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an open legal rain. Inspection of

Inspection Agreement

- (ii) if a connection to a public storm sewer will be provided eventually, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision(s) for such connection(s) shall be the responsibility of the developer and incorporated by inclusion the amount of the performance bond or equivalent required for the subdivision plat.
- (c) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall calculate and recommend to the County Engineer for approval the necessary size of the facility, based on the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
- (d) Effect on Downstream Drainage Areas. Existing downstream drainage facilities, especially field tiles, were not designed to accommodate the additional runoff resulting from the development of subdivisions. Therefore, the developer shall make provisions in his construction plans for a storm-water detention or retention system to detain/retain storm-water runoff for the 100-year post-development storm event for the portion of the watershed within his development. This detention system shall release the runoff at the 10-year pre-development discharge rate. The detention/retention calculation shall be in accordance with HERPICC, or other method as approved in advance by the County Engineer. The detention/retention rates may be modified by the County Engineer based on his determination of the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies and testimony, together with such other studies as may be available and appropriate (including recommendations by the developer), shall serve as a guide in this determination. Plan Commission may withhold secondary approval of the subdivision until provisions (such as a storage facility) have been made and incorporated by

inclusion in the amount of the performance bond or equivalent required for the subdivision. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate watercourse or facility.

- (e) Floodway Areas.** If any portion of a proposed subdivision lies within the Flood Plain, all Floodways shall be preserved and not diminished in capacity by filling or by construction of any type, except as approved by the Indiana Department of Natural Resources in writing.
- (f) Flood Plain Area.** No Flood Plain Area or Flood Hazard Area may be filled or altered, and no water nor sanitary sewer facilities may be located therein, except as approved in writing by the Indiana Department of Natural Resources. Where provided, public water and sanitary sewer facilities shall be constructed to eliminate contamination of or by flood water; and, filling to achieve the above shall not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream. Lands below the Regulatory Flood elevation shall not be used for computing the minimum area requirement for any lot.
- (g) Recording of Plats which include Flood Plain and Floodway Fringe Areas.** All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation, shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn, on the final plat for recording.

(3) Dedication of Drainage Easements

- (a) General Requirements.** Where a subdivision is traversed by a drainage course, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided. It shall conform substantially to the lines of such watercourses, and of such width and construction or both as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Maintenance of these areas shall be the responsibility of the affected property owner(s). Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for the 100-year volume of flow.

(b) Drainage Easements

- (i) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street right-of-way, perpetual unobstructed easements at least fifteen (15)"feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
- (ii) The applicant shall dedicate, either in fee or by drainage or conservation, easement land on both sides of existing watercourses of a width to be determined by the Plan Commission, and, in the case of legal drains, the County Drainage Board.
- (iii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (iv) Low-lying lands along watercourses subject to flooding or overflowing during storm period, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures nor for computing the area requirement for any individual lot.

4.5 Water Facilities

(1) General Requirements

- (a) The applicant shall take all actions necessary to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing for domestic water use and fire protection.
- (b) Where a public water main is accessible the subdivider shall install adequate water facilities (including fire hydrants) conforming to the requirements and specifications of the State or local authorities. All water mains shall be at least six (6) inches in diameter.

- (c) Water main extensions shall be approved by the officially designated agency of the State, County or municipality concerned.
- (d) To facilitate the above, the location of all fire hydrants, water supply improvements, and the boundary lines of proposed districts indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.
- (e) The design of all water facilities shall conform to or exceed the standards described in the latest edition of *Recommended Standards for Water Works* as published by Health Education Service, Inc., Albany, New York. [Note: This publication contains the standards agreed to by a consortium of Midwestern states including Indiana.]

(2) Individual Wells and Central Water Systems

- (a) In low-density zoning districts, if a public water system is not available, at the discretion of the Plan Commission individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Wells shall be located no closer than fifty (50) feet from the boundary line of any lot, or greater as directed by the Plan Commission. Water sample test results shall be submitted to the Health Department for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. These approvals shall be submitted to the Plan Commission Secretary.
- (b) If the Plan Commission requires that a connection to a public water main be eventually provided as a condition for approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives secondary approval. Performance or cash bonds may be required to insure compliance.

- (3) Fire Hydrants. Hydrants should be provided at each street intersection and at intermediate points between intersections as recommended by the state Insurance Services Office and the local fire department. Generally, hydrant spacing may range from 350 to

600 feet depending on the nature of the area being served as determined by the County Engineer.

4.6 Sewerage Facilities

- (1) **General Requirements.** The subdivider shall install sanitary sewer facilities in a manner prescribed by the County construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the County Engineer, Health Department, and other appropriate State and Federal agencies. (In the case of a city system extended into the County, the city's engineering standards, etc. would prevail.) In addition, the design shall meet or exceed the minimum standards described in the latest edition of *Recommended Standards for Sewage Works* as published by the Health Education Service, Albany, New York and plans shall be approved by the all state and federal agencies where required by those agencies. [Note: This publication also contains standards agreed to by a consortium of Midwestern states including Indiana.] Sanitary sewerage facilities shall be installed to serve each lot to grades and sizes required by approving officials and agencies. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Health Officer, participating jurisdiction, and appropriate State agency.
- (2) **Sanitary Sewerage System Requirements.** The subdivider shall provide the subdivision with sanitary sewerage facilities in accordance with one of the three following procedures:
 - (a) **Public Collection System.** In all cases where such is possible the developer shall construct a sanitary sewer system connected to a municipal sewer. The plans for the system shall be approved by the affected municipality and the Commission, and shall be designed and constructed in accordance with the municipal specifications.

Service laterals shall be installed between the street main and the property line before the street is paved.
 - (b) **Local Treatment System.** Where it is not practical to connect the Subdivision sanitary sewer system to the municipal sewer, the Subdivider shall construct a local treatment system consisting of the necessary house laterals, service mains, and interceptors required to conduct the

Subdivisions sanitary sewage to a single treatment facility. All aspects of such a system, including the treatment facility, shall be designed and constructed by the developer in accordance with the requirements of the State Board of Health of the State of Indiana and the Tipton County Health Officer.

If the sewage treatment facility designed and constructed by the developer is to discharge into a stream, the developer shall provide the Plan Commission with a letter of approval from the State Board of Health or other applicable agency.

The Tipton County Plan Commission may require the submission of detailed plans and specifications for a sewage treatment facility. The Plan Commission shall require submission of plans showing the location of the sewage treatment facility. These plans shall also show the relative location of the sewage treatment facility to other improvements contemplated and/or constructed by the developer and to improvements or existing conditions on adjacent land owned by others.

The developer shall submit plans and specifications for the necessary service mains and interceptors required to conduct the Subdivision sanitary sewage to the treatment facility. The Plan Commission shall approve or disapprove of the collection system.

(c) Private Disposal System. Where alternatives (a) and (b) above are not practical, the Commission may permit the developer to install on each Lot an individual sewage disposal system consisting of a septic tank and tile absorption field or other approved disposal system. Such systems shall be designed and constructed by the developer in accordance with the regulations of the State Board of Health of the State of Indiana and the Tipton County Health Officer. In no case, however, shall private disposal systems be permitted where rock or impervious clay conditions exist, or any other unsuitable characteristics (see 4.1 (6)), which would prevent percolation of effluent.

(3) The plans for the installation of the sanitary sewage facilities shall be provided by the Subdivider, prepared by a Registered Professional Engineer, and approved by the State Board of Health of the State of Indiana and the Tipton County Plan Commission.

Upon completion of sanitary sewer installations, two (2) sets of the as-built plans for such system shall be filed with the Commission.

- (4) In this section, and in section 4.5 (Water Facilities), the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the system referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.
- (5) Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and any ordinance of any participating jurisdiction (where applicable) establishing lot areas for individual Sewerage disposal system.
- (6) Selected Design Criteria
 - (a) Alignment. All sewers shall be laid with a straight alignment between manholes, unless otherwise directed or approved by the County Engineer.
 - (b) Manhole Location. Manholes shall be installed at the end of each line, and at distances not greater than four hundred (400) feet for sewers 18 inches in diameter and larger.
 - (c) Manholes. The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve (12) inches where required to match crowns. The use of drop manholes require approval by the County Engineer. The minimum inside diameter of the manholes shall conform to those specified by the County Engineer. Inside drop manholes will require special consideration; however, in no case shall the minimum clear distance be less than that indicated herein. The relationships between intersection sewer lines shall meet the standards required by the County Engineer. (See (a) above.)
 - (d) Sewerage Locations. Sanitary sewers shall be located within street or alley right-of-ways unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. Where

sewer lines in private easements cross public street or alley rights-of-way a manhole shall be provided in such right-of-way where possible. Imposed loading shall be considered at all manhole locations. Not less than six (6) feet of cover shall be provided over the top of pipe in street and alley rights-of-way or three (3) feet in all other areas.

- (e) Cleanouts. Cleanouts will not be permitted.
- (f) Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable water system. Sewers shall be kept removed from water supply wells or other water supply sources and structures.
- (g) Relation of Sewers to Water Mains. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water line is at least two (2) feet above the sewer line.

4.7 Sidewalks

- (1) Required Improvements**
 - (a)** A concrete sidewalk of at least five (5) feet in width shall be included within the unpaved portions of the rights-of-way of all streets within a residential subdivision.
 - (b)** Concrete curbs are required for all streets where sidewalks are required by these regulations or required at the discretion of the Plan Commission.
 - (c)** A grassed or landscaped buffer strip at least three (3) feet wide shall separate all sidewalks from adjacent curbs. The median strip shall be improved according to Section 4.2(4) of these regulations.
- (2) Pedestrian Accesses.** In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Plan Commission may require perpetual unobstructed easements at least twenty (20) feet in width. Such easements shall be indicated on both the preliminary and final plats.

4.8 Utilities

- (1) Location.** All utility lines, including but not limited to gas, electric power, telephone and CATV cables shall be located underground throughout the subdivision. Wherever existing lines are located above ground, except, on public roads and right-of-ways, they shall be removed and placed underground. All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or sketch plan in the case of a minor subdivision. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Plan Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership intended to be developed for the same primary use.
- (2) Easements**
 - (a)** Easements centered on rear lot lines shall be provided for utilities (private and municipal). Such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility

companies for the coordination of utility easements with those established in adjoining properties.

- (b)** Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. All easements shall be indicated on preliminary and final plats.

4.9 Public Uses

(1) Parks, Playgrounds, and Recreation Areas

(a) Recreation Standards. The Plan Commission shall require that land be reserved for parks and playgrounds or other recreational purposes in locations designated on the Comprehensive Plan or otherwise where such reservations would be appropriate. This shall apply to all major subdivisions consisting of ten (10) or more lots served by private sanitary disposal (i.e., septic) systems, and all major subdivisions served by a public sanitary collection system or local treatment system. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the County Commissioners. The area shall be shown and marked on the plat: "Reserved for Park and/or Recreational Purposes". When recreation areas are required, the Plan Commission shall determine the number of acres to be reserved from the following table, which has been prepared on the basis of providing three (3) acres of recreation area for every one hundred (100) dwelling units. The Plan Commission may refer such proposed reservations to the local government official or agency in charge of parks and recreation for recommendation. If approved by such official or agency, the developer shall dedicate all such recreation areas to the local government as a condition of secondary approval.

(i) Recreation Requirements are shown in Table 4-3.

TABLE 4-3: RECREATION REQUIREMENTS

SINGLE-FAMILY LOTS SIZE OF LOT SUBDIVISION	PERCENTAGE OF TOTAL LAND IN TO BE RESERVED FOR RECREATION PURPOSES
80,000 & greater SF	1.5 per cent
50,000 SF.....	2.5 per cent
40,000 SF.....	3.0 per cent
35,000 SF.....	3.5 per cent
25,000 SF	5.0 per cent
15,000 SF or less	8.0 per cent

- (b) **Recreation Sites.** Land reserved for recreation purposes shall be of a character and location suitable for use as playground, play field, or other active recreation purposes and shall be relatively level and dry. It shall be improved by the developer to the standards required by the Plan Commission, and the cost of the improvements shall be included in the amount of the performance bond. Passive recreation areas along stream valleys may be accepted by the Plan Commission as part of the requirement area if adequate flat land is also provided for space-consuming recreation activities. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet except for stream-valley and other linear passive recreation areas which shall at no point be narrower than fifty (50) feet. The Plan Commission may refer any subdivision intended to contain a dedicated park to the local government official, department, or agency in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the County for park purposes shall have prior approval of the County and shall be shown on the plat as "Reserved for Park and/or Recreation Purposes".
- (c) **Applicability to Land Using Average Density Provisions.** Any subdivision plat in which the principle of flexible zoning has been used shall not be exempt from the provisions of this section except as to any portion, of the land area which is actually dedicated to the County for park and recreation purposes. If no additional area, other than the area to be reserved through averaging, is required by the Plan Commission, the full fee shall be paid as required in Section 4.9(1) (d). If further land is required for reservation, apart from the reserved by averaging, credit shall be given as provided by Section 4.9 (1) (d).
- (d) **Other Recreation Reservations.** The provisions of this section are minimum standards. None of the preceding subsections of this ordinance shall be constructed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

(2) Other Public Uses

- (a) **Plat to Provide for Public Uses.** Whenever a tract to be subdivided includes a school, recreation areas, (in excess of the requirements of Subsection (1), immediately above), or

other public uses as indicated on the Comprehensive Plan or any portion thereof, such space shall be suitable incorporated by the applicant into his sketch plan. Except when an applicant uses planned unit development procedures in which land is set aside by the developer for public use as required under those procedures in the Zoning Ordinance. After proper determination of its necessity by the Plan Commission and the appropriate County official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats. Upon such a determination by the Plan Commission, the following shall apply:

- (i) Referral to Public Agency. The Plan Commission shall refer the sketch plan to the public agency concerned with acquisition for its consideration and report. The Plan Commission may propose alternate areas for such acquisition and shall allow the public agency thirty (30) days for reply. The public recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time within five (5) years required to complete the acquisition.
- (ii) Notice to Property Owner. Upon a receipt of an affirmative report the Plan Commission shall notify the property owner and the Plan Commission Secretary shall designate on the preliminary and final plats each area proposed to be acquired by a public agency.
- (b) Duration of Land Reservation. The acquisition of land by a public agency on the final plat shall be initiated reserved within three (3) years of notification in writing from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a site plan of the proposed development and a tentative schedule of construction. Failure on the part of a public agency to initiate acquisition within the prescribed three (3) years shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

4.10 Preservation of Natural Features and Amenities

- (1) General. Existing features which would add value to the type of intended development or to the County as a whole, such as trees, watercourses falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until primary approval of the preliminary plat has been granted. All trees on the plat which are required to be retained shall be preserved, and all trees, where needed, shall be welled and protected against change of grade. The sketch plan shall show the number and location of existing trees, as required by these regulations, and shall further indicate all those marked for retention and the location of all proposed shade trees required along the street side(s) of each lot as required by these regulations.

4.11 Nonresidential Subdivisions

- (1) General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall meet such special provisions as the Plan Commission finds appropriate and requires. A nonresidential subdivision shall also be subject to all requirements set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Plan Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the Plan Commission and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance, except that where lot lines are to be established incrementally they need not be shown on the sketch plan or the preliminary plat for primary approval. All shopping centers and other nonresidential subdivisions of buildings for leasehold shall be subject to the relevant provisions of this ordinance.
- (2) Standards. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County Commissioners that the street, parcel, and block pattern proposed are appropriate for the uses anticipated and adequately take into account other uses in the vicinity. The following principles and standards shall be observed.

- (a) Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of industrial development anticipated. Proposals for incremental lot by lot subdivision must be made clear in a statement on the preliminary plat that is satisfactory to the County Commissioners.
- (b) Street right-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (c) Special requirements may be imposed by the Plan Commission, upon recommendation of the County Engineer, with respect to street, curb, gutter, and sidewalk design and construction.
- (d) Special requirements may be imposed by the County Commissioners with respect to the installation of public utilities, including water, sewer, and storm water drainage and preprocessing of sewage. Special requirements may also be imposed regarding the storage and disposal of toxic materials.
- (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing onto existing or potential residential development and provision of a permanently landscaped buffer strip where necessary.
- (f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

5 ASSURANCE FOR COMPLETION OF IMPROVEMENTS

5.1 Improvements and Performance Bonds

- (1)** Completion of Improvements. Before a final plat is signed by the Designated Officials and processed for recording by the County Recorder's Office, the developer shall be required to complete, in accordance with the secondary approval for major subdivision or for minor plats, and to the satisfaction of the County Engineer, all the streets, sanitary, and other public improvements including lot improvements on the individual lots of the subdivision as required in this ordinance, specified in the approved construction plans and on the final subdivision plat, and as recommended for approval by the Plan Commission and to dedicate the public improvements to the County, free and clear of all liens and encumbrances on the property and public improvements thus dedicated. Exceptions may be granted for placement of the asphalt surface course, boundary improvements, certain erosion control measures, sidewalks and/or street lights (if required), depending on weather conditions. If the developer desires to have additional exceptions, his/her request will be reviewed by the Plan Commission, and either granted or denied.

- (2)** Performance Bond

A performance guarantee shall be provided for any exceptions granted. A performance guarantee may be provided for certain erosion control measures as determined by the Plan Commission. The authority of administration and enforcement of the performance guarantee shall lie with the Board or its designated representative.

(a) The types of performance guarantees allowed are as follows:

- (i)** Completion of Improvements: All improvements not covered by a performance guarantee shall be installed in accordance with the design standards principles and specifications contained in these regulations and shall be inspected at such times during construction as required by these regulations;
- (ii)** Performance Bond: For those improvements granted an exception from installation prior to recording, a performance bond payable to the Board in the amount equivalent to 110% of the estimated completion costs shall be posted by the developer prior to recording the final plat. This estimate shall be prepared by the design engineer and reviewed by the County

Engineer. This performance bond shall comply with all Statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency, and manner of execution;

- (iii) Irrevocable Letter of Credit: In lieu of such a bond, the developer may submit an irrevocable letter of credit. In the event an irrevocable letter of credit is utilized, it shall be written for a minimum length of one (1) year; or
 - (iv) Cashiers Check: In lieu of such a bond, the developer may submit a cashiers check made payable to the Board. This alternative is only available in the amount of less than ten thousand dollars (\$10,000).
- (b) Any performance guarantee submitted under Section V shall be for a period not to exceed two (2) years. The Board may grant an extension of up to one (1) year for the completion of the improvements, based upon a request by the developer and evidence justifying the request. The Board may secure a new estimate of the cost of the improvements from the County Engineer. If the estimate has increased, the Board shall required an increase in the amount of the performance guarantee.
- (c) A performance guarantee shall be deemed by the Board to be in full force and effect until the time the guarantee is released by written notice by the Board.
- (d) It shall be the responsibility of the developer to keep the performance guarantee current and not allow it to expire until all improvements have been accepted by the Board. If the performance guarantee does expire, no building permits will be issued to those lots within the subdivision or section thereof which required the performance guarantee until a new guarantee is provided.
- (e) Upon completion of the improvements for which a performance guarantee has been provided, the developer shall request a release of the performance guarantee from the Tipton County Board of County Commissioners. The Plan Commission, or its designated representative, will conduct an inspection of the completed improvements. If the improvements have been completed to the satisfaction of the Board of County Commissioners and if a suitable

maintenance guarantee has been provided, and then the Board shall release the performance guarantee.

- (f) As a condition of acceptance of this improvement on release of the performance guarantee, the Board shall require the developer to post a maintenance guarantee in an amount equal to twenty percent (20%) of the cost of the improvements.
 - (i) The maintenance guarantee shall be one (1) of the following forms:

Maintenance Bond: this bond shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency and manner of execution; or

Irrevocable Letter of Credit: in lieu of such bond, the developer may submit an Irrevocable Letter of Credit. In the event an Irrevocable Letter of Credit is used, it shall be written for a minimum length of one (1) year.
 - (ii) The maintenance guarantee shall be for a minimum period of three (3) years.
 - (iii) The procedure for release of a maintenance guarantee shall follow the same procedure as in Section 5 (2) (e) above.
- (g) Temporary Public Improvements. The applicant shall build and pay for all costs of temporary public improvements required by the Plan Commission and shall maintain same for the period specified by the County Commissioners. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the Plan Commission as separate suitable bond for temporary facilities. This bond shall insure that the temporary facilities will be properly constructed, maintained, and removed (except for turnarounds at the ends of the peripheral stub streets intended for connection into adjacent future subdivisions).
- (h) Cost of Public Improvements. All required public improvements shall be made by the applicant at his expense without reimbursement by the participating jurisdiction or any public improvement district therein, unless sharing of

expenses is agreed upon by the County (or other participating jurisdiction, where applicable).

- (i) **Governmental Units.** Governmental units to which these bond provisions apply may file a certified resolution of ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Section in lieu of said bond.
- (j) **Failure to Complete Public Improvements.** For subdivisions for which no performance bond has been posted, if the public improvements are not completed within the period specified by the County Commissioners in the primary approval of the preliminary plat or the sketch plan in the case of a minor subdivision, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and the required public improvements have not been installed within the terms of such performance bond, the participating jurisdiction may thereupon request the County to declare the bond to be in default and cause all public improvements to be installed according to secondary approval, regardless of the extent of the building development at the time the bond is declared to be in default.
- (k) **No Implied Acceptance of Dedication Offers.** The approval by the County Commissioners of a subdivision plat shall not be deemed to constitute or imply the acceptance by other participating jurisdictions of any street, easement, or park shown on said plat. The Commission may require said plat to be endorsed with appropriate notes to this effect. The approval relates only to the real property itself.

5.2 Inspection of Public Improvements

The developer shall be responsible for having all improvements inspected for compliance with the approved plans and provisions of these regulations. The developer's responsibility for inspections extend to sanitary sewer and water lines and other utility installations where they interact with improvements such as subsurface drains or drainage swales.

The developer shall complete the County/Developer Inspection Agreement and agree to compensate the County for all cost incurred to provide the necessary inspections of the project. This cost shall be based upon a standard hourly raise for the estimated amount of construction time.

The developer shall pay the total estimated cost for the inspection services prior to commencement of construction activities and then will be billed on a regular basis for services rendered above this estimate. Failure to pay within thirty (30) days shall be grounds for termination of construction activities. The developer shall pay the total cost of inspections prior to the final acceptance of the improvements.

The developer shall be responsible for providing all documentation and testing results required for the improvements including, but not limited to the following: compaction tests; infiltration/exfiltration tests to sanitary sewers, pressure tests for water lines, and pavement corings if required.

5.3 Duties and Powers of Inspectors

The Board of County Commissioners shall appoint such person(s) as it deems necessary to accomplish adequate inspection and review of all improvements constructed within the jurisdiction of the Board. The Inspector shall perform, but not necessarily be limited to, the following duties:

- (1) Monitor work being performed to insure that it complies with the standards and specifications of these regulations;
- (2) Maintain an accurate log of his inspections and findings;
- (3) Issue directive or stop-work orders when necessary to assure compliance with the approved plans and these regulations; and
- (4) Make reports to the County Engineer when necessary or when requested.

5.4 As-Built Plans

Upon completion of the improvements, the developer shall submit four (4) sets of as-built plans to the Plan Commission.

The as-built plans show the actual locations with ties to permanent points of reference, specifications, and all materials used for the improvements installed in the subdivision or section thereof. These plans shall be certified by a registered professional engineer or land surveyor. The Planning Commission Secretary shall forward one (1) copy of the as-built plans to each of the following county officials: County Health Officer, County Surveyor, and County Engineer.

5.5 Failure to Complete Improvements

- (1) For a subdivision or section thereof for which no performance guarantee has been posted, if the improvements are not completed within the period of validity of the subdivision approval, the final plat section thereof shall not be recorded.
- (2) In those cases where a performance guarantee has been posted and the improvements have not been installed prior to the expiration of the guarantee, the Board shall declare the guarantee to be in default and cause all improvements to be installed according to the approved plans, regardless of the extent of building development at the time the guarantee is declared to be in default.

5.6 Recording of Final Plat

No final plat shall be submitted for recording until it has been thoroughly reviewed by the design engineer or land surveyor for completeness, accuracy, and compliance with these regulations and all other applicable rules, regulations, and laws. No final plat shall be recorded until all applicable maintenance guarantees, performance guarantees and as-built plans have been submitted. Each page shall bear the signatures of the design engineer or land surveyor, and the President and the Secretary of the Plan Commission, and the County Commissioners and County Engineer, as appropriate, including the seals of the design engineer or land surveyor.

5.7 Time Limitation to Record Final Plat

- (1)** Every subdivision plat approved after the effective date of these regulations shall be recorded within three (3) years after the date of plat approval.
- (2)** Any plat that is not so recorded within a three (3) year period shall, at the expiration of the three (3) year period, become invalid and shall not be entitled to recording without reapproval, by the Plan Commission, in accordance with the standards, requirements and procedures specified by these regulations at the time of plat reapproval.
- (3)** The Plan Commission may grant extensions of the original approval in one (1) year increments for up to three (3) years.

5.8 Maintenance of Public Improvements

- (1)** The applicant shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets until recording of the final plat, or until adequate maintenance provisions have been made as provided in 5.9 below.
- (2)** The applicant shall be required to file a maintenance bond with the County Commissioners, prior to recording of the final plat, in an amount not to exceed twenty percent (20%) of the cost of all public improvements, and in a form satisfactory to the Board. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three (3) years after the date of release of the performance guarantee.

5.9 Issuance of Building Permits for Final Phase

No building permit shall be issued for the last ten percent (10%) of lots in a final subdivision plat or section thereof, or if ten percent (10%) be less than two (2), for the last two (2) lots of a subdivision or section thereof, until all public improvements required by the Plan Commission for the plat with the exception of sidewalks have been fully completed and, adequate maintenance provisions and arrangements have been implemented through one of the following means:

- (1)** Maintenance duties have been assumed and are actually being performed by a bona fide homeowners' association (or similar type group) according to the agreements, covenants and restrictions which control the subdivision; or
- (2)** Maintenance duties have been accepted by the participating jurisdiction.

6 SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

6.1 Sketch Plan

Sketch plans submitted to the Plan Commission shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information.

- (1) Name**
 - (a)** Name of subdivision if property is within an existing subdivision
 - (b)** Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which primary approval is still in effect.
 - (c)** Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
- (2) Ownership**
 - (a)** Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - (b)** Citation of any existing legal rights-of-way or easements affecting the property.
 - (c)** A complete copy of any existing covenants on the property
 - (d)** Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
- (3) Description.** Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.

(4) Features To Be Included on Sketch Plans

- (a)** Location of property lines, existing easements, burial grounds, railroad rights-of-ways, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level (see section 4.10 (1)); location, width, and lanes of all existing or platted streets or other public ways within or immediately adjacent to the tract, names of adjacent and adjoining property owners (from the latest assessment rolls).
- (b)** Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
- (c)** may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes).
- (d)** The approximate location and widths of proposed streets.
- (e)** Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary, waste treatment and disposal; preliminary provisions for collecting and discharging surface and subsurface water drainage.
- (f)** The approximate location, dimensions, and areas of all proposed or existing lots.
- (g)** The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- (h)** The location of temporary stakes to enable the Plan Commission to find and appraise features of the sketch plan in the field.
- (i)** Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

- (j) A vicinity map showing streets, land uses (including agricultural related operations) and other general development within ¼ mile of the proposed subdivision. The sketch plan shall show all school and improvements district lines with the zones properly designated.
- (k) If the subdivision is classified as a minor subdivision, the sketch plan must also comply with Section 6.2.

6.2 Preliminary Plat

- (1) Preparation. The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one hundred (100) feet to an inch. The maximum page size shall not exceed twenty-four by thirty-six (24 x 36) inches. For the ease of reading and clearly showing detail on the preliminary plat, additional sheets may be necessary. The match lines shall follow lot lines or streets whenever possible.
- (2) Features. The preliminary plat shall show the following existing conditions and site improvements:
 - (a) Project name, developer, project engineer or surveyor, their addresses and telephone numbers, legal description, date of plans and any revisions, scale of plan, and north point.
 - (b) The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments; and, the names adjoining streets.
 - (c) Area Vicinity Map detailing project environs, land uses, current zoning and streets within ¼ mile of the proposed subdivision.
 - (d) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
 - (e) Identification of jurisdictional wetlands.
 - (f) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, bridges and topography (at the same scale as the sketch plan). Topography based on mean sea level elevation at a minimum two (2) foot interval for the project

site and any adjoining areas whose topography may affect project drainage.

- (g)** The existing location of legal drains, surface and subsurface drains, inlets, and outfalls, easements that are visible or of record, existing seeps, springs, and wells that are visible or of record.
- (h)** Existing structures.
- (i)** The location and width of all existing and proposed streets, alleys, and other public ways and their rights-of-way, and of easements and building set-back lines.
- (j)** Existing storm and sanitary sewers, inlets, outfalls, existing septic tank systems, treatment plants, outlets, wells and any other utilities.
- (k)** The locations, dimensions, bearings and areas of all proposed or existing lots.
- (l)** Other significant conditions of the area proposed to be improved.
- (m)** The location and dimension of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (n)** The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name and registration number of the land surveyor.
- (o)** Sufficient data acceptable to the County Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; also, the location of all proposed monuments.
- (p)** Names of the subdivision and all new streets subject to approval by the Plan Commission.
- (q)** Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.

- (r) Boundary and acreage of project site indicated by heavy solid lines based on a traverse with angular and linear dimensions;
- (s) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- (t) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
- (u) All information required on the sketch plan should also be shown on the preliminary plat, and the following notation shall also be shown:
 - (i) Explanation of drainage easements, if any.
 - (ii) Explanation of site easements, if any.
 - (iii) Explanation of site reservations, if any.
 - (iv) Restrictions or covenants.
 - (v) Endorsement of owner, as follows:

Owner _____ Date _____

6.3 Construction Plans

General Construction Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown.

- (1) Profiles showing existing and proposed elevation lines of all streets. Where proposed street intersects an existing street or streets, the elevation along the centerline of the existing street or streets within one hundred (100) feet of the intersection shall be shown. Radii of all curves, lengths of tangents, and central angles on all streets.
- (2) The Plan Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred foot stations shall be shown at five (5) points as follows: On a line at right angles to the centerline of the street, and all elevation points shall be at the centerline of the street, each property line, and points twenty-five (25) feet inside each property line.

- (3) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility system; and exact location and size of all water, gas, or other underground utilities or structures.
- (4) The layout and the number of lots and building setbacks and lines.
- (5) All proposed drainage features including pipes (culverts and storm sewers), ditches, inlets and catch basins, swales, subsurface drains, lot grading, detention/retention ponds, and flood routing showing how the 100 year storm event will be routed through the development. Drainage calculations shall be provided for all proposed drainage features. Detention/retention ponds shall accommodate the 100-year post-developed storm discharge to the site, and release at the 10-year pre-developed. Sizing of ponds, and all other drainage calculations, shall be in accordance with the HERPICC Stormwater Drainage Manual (July 1995).
- (6) Location, size elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, rains, water mains, easements, water bodies, streams, flood plains and other pertinent features such as jurisdictional wetlands, railroads, buildings, features noted on the Official Map or Comprehensive Plan at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured four (4) feet above ground level. The water elevations of adjoining lakes or streams of the date of the survey and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.
- (7) Topography at the same scale as the sketch plan with a contour interval of two (2) feet, referred to the sea-level datum. All data provided shall be the latest applicable U.S Coast and Geodetic Survey data and should be so noted on the plat.

- (8) All specifications and references required by the County's construction standards and specifications, including a site-grading plan for the entire subdivision.
- (9) Notation of approval as directed by the County.
- (10) Title, name, address, signature, registration number and seal of the professional engineer and/or surveyor, and date, including revision dates.

6.4 Final Subdivision Plat

- (1) Preparation. The final subdivision plat shall be presented on reproducible mylar at an appropriate scale and contain the same information as on the preliminary plat, except for any changes or additions required by the conditions of primary approval. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the County Commissioners' approval. The final subdivision plat shall be prepared by a land surveyor licensed by the state.

Features. All revision dates must be shown as well as the following:

- (a) notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Plan Commission in accordance with these regulations, and
- (b) all monuments erected, corners, and other points established in the field shall be shown and noted in their places on the plat. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

6.5 Application for Secondary Approval

Following primary approval of the preliminary plan, the applicant shall File with the Secretary an application for secondary approval of a final plat and construction plans. The application shall:

- (1) Be submitted on a form available at the Plan Commission Office;
- (2) Be accompanied by five (5) copies of the final plat and construction plans as described in these regulations;

- (3)** Be accompanied by a properly completed County/Developer Inspection Agreement; (See Appendix A)
- (4)** Be in total compliance with these regulations and the terms or conditions of primary approval;
- (5)** Include any federal, state, or other local approval on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:
 - (a) FEDERAL AGENCIES:**
 - 1. Federal Communications Commission;
 - 2. Federal Aviation Administration;
 - 3. Federal Emergency Management Agency; and
 - 4. U.S. Army Corp of Engineers.
 - (b) STATE AGENCIES:**
 - 1. Indiana Department of Environmental Management;
 - 2. Indiana Department of Natural Resources;
 - 3. Indiana Department of Transportation; and
 - 4. Indiana State Department of Health.
 - (c) LOCAL AGENCIES**
 - 1. Tipton County Drainage Board; and
 - 2. Incorporated towns; and
 - (d) UTILITY COMPANIES**
 - Public or private utilities for sanitary sewer or water services.

APPENDIX C

A PROPOSED ORDINANCE TO AMEND THE ZONING ORDINANCE
OF TIPTON COUNTY, INDIANA RELATIVE TO THE MINIMUM
LOT SIZES AND MINIMUM LOT WIDTHS SET FORTH IN

FIGURE 1 OF THE ZONING FIGURES

WHEREAS, The Tipton County Plan Commission has given careful study to the future development and land use needs within its jurisdiction; and

WHEREAS, the Plan Commission has sought and received the advice, input, and opinions of the public, elected officials and public employees, and has further obtained services, assistance and advice from qualified professionals; and

WHEREAS, the Plan Commission. has given due consideration to the goals and objectives of the Tipton County Comprehensive Plan, including the goals of guiding community growth by encouraging the most appropriate use of land, while allowing for development of safe and sanitary housing; and

WHEREAS, to further the long-term growth and development needs of the community, the Plan Commission is proposing certain improvements in the Subdivision Control Ordinance which will require amendments to some of the Zoning Figures in order to fully implement.

NOW, THEREFORE, the Tipton County Plan Commission hereby proposes and recommends that the text, notations, and measurements contained in Figure 1 of the Zoning Figures be revised, supplemented and amended to provide as follows:

Adopted - December, 1998

ONE: For residential use in zoning Districts C-S, C- RB & C-R1 a building lot in a Minor Subdivision, and/or any properly pre-existing parcel which is not otherwise exempt from the Subdivision Control

Ordinance requirements, and , which is not located in a properly platted and approved Major Subdivision, shall have a minimum lot size of one (1) acre (43,560 sq. ft.) with a minimum lot width of two hundred (200) feet.

TWO: In a Major Subdivision: (1) where sanitary sewer systems are provided (whether public or local treatment facilities), the minimum lot size shall be 0.25 acre (10,890 sq. ft.) with a minimum lot width of ninety (90) feet. Upon approval of the Plan Commission, irregular shape lots located at the end of a Cul-de-sac, may have a minimum street frontage of sixty (60) feet, provided that the average calculated width still meets the minimum width requirements; or, (2) where private sewage disposal systems are provided, the minimum lot size shall be one (1) acre (43,560 sq. ft.), with a minimum lot width of two hundred (200) feet.

THREE: These revisions are amendments to the Zoning Figures, including any implied changes or effect by the extension of their application, shall be in full effect from and upon their passage and adoption in accordance with the laws of the State of Indiana. All ordinances or parts thereof in conflicts herewith are hereby repealed.

Adopted - December, 1998

ONE: Section 1. SHORT TITLE, is amended in its entirety, to read as follows:

"This ordinance shall be known and may be cited as the 'Tipton County Master Thoroughfare Plan, (Revised August, 1998). This ordinance is initiated to implement and further the goals, objectives, and related policies of the Comprehensive Plan of Tipton County, Indiana."

TWO: Section 2. MAJOR STREET OR HIGHWAY PLAN AND DRAWING, heading and text are amended, in their entirety, to read as follows:

"Section 2. MASTER THOROUGHFARE PLAN AND DRAWINGS.

The Tipton County Master Thoroughfare Plan, consists of: a map or maps entitled "Tipton County, Indiana, Master Thoroughfare Plan", dated August, 1998, which shows the locations of existing and proposed thoroughfares within the Tipton County Plan Commission jurisdiction; drawings entitled "Typical Thoroughfare Cross-Sections, Tipton County, Indiana", dated August, 1998, which shows minimum recommended cross-sections and construction specifications for various classifications of thoroughfares; and this ordinance text. The maps and drawings are hereby declared to be a part of this ordinance and are incorporated herein by reference. All notations, references, indications and other details shown on such maps and drawings are as much a part of this ordinance as if they were fully described in the text of this ordinance."

THREE: Section 3. DESIGNATION OF THOROUGHFARES, is amended to read as follows:

Adopted - December, 1998

"The roads, streets, and highways which comprise the Tipton County Master Thoroughfare Plan, are hereby classified on the basis of width and type, in accordance with their proposed function, as Local, Collector, Arterial, and Other Arterial thoroughfares. The Tipton County Master Thoroughfare Plan may also include, reflect, and recognize for informational purposes, certain private roads, drives, and State and Federal highways over which Tipton County does not presently exercise jurisdiction."

The proposed right-of-way widths for thoroughfares shall be as follows:

- Local - 60 feet
- Collector - 80 feet
- Arterial - 120 feet
- Other Arterial - as directed by State or Federal control

FOUR: The following terms or phrases, as used in this or other ordinances, shall be amended, replaced, and altered as shown below:

OLD	CHANGES TO	NEW
Major Street or Highway Plan		Tipton County Master Thoroughfare Plan
Feeder		Collector
Residential		Local

FIVE: These changes to the existing ordinance, including text amendments and map changes, shall be in full effect from and upon their passage and adoption in accordance with the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed.

**A PROPOSED ORDINANCE AMENDING SECTION 11. PARAGRAPH K,
OF THE ZONING ORDINANCE OF TIPTON COUNTY, INDIANA
RELATIVE TO FILING FEES AND OTHER CHARGES**

Section 11, GENERAL PROVISIONS, Paragraph K, FILING FEES is hereby revised and amended by deleting the text of Subparagraphs a, b, & c and substituting the following revised language:

- a. The schedule of fees and charges for services shall be prepared, supplemented, and revised from time to time by official action of the Tipton County Plan Commission.
- b. The schedule of fees and charges shall be effective immediately upon approval by the County Commissioners or as otherwise provided by Indiana law.
- c. The most recent schedule of fees and charges shall be maintained and available for review in the Plan Commission office. Proper implementation of the fee schedule should be evidenced by the effective date listed thereon and the appropriate signatures on behalf of the Plan Commission and the County Commissioners.

IN WITNESS WHEREOF, the parties acting by and through their authorized representatives have executed this instrument on the date first above written.

DEVELOPER'S NAME AND ADDRESS:

Signature Signature

Title Title

Date Date

STATE OF INDIANA)
COUNTY CF) SS:

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared

_____ .

DEVELOPER, and acknowledged the execution of the foregoing County/Developer Inspection Agreement to be his free and voluntary act and deed.

WITNESS my hand and Notaries Seal this _____ day of _____ 20_____.

COMMISSION EXPIRATION DATE NOTARY PUBLIC SIGNATURE

COUNTY OF RESIDENCE PRINTED NAME

RECOMMENDED FOR APROVAL APPROVED AS TO FORM
PLANNING DIRECTOR COUNTY ATTORNEY

APPROVED BY COUNTY COMMISSIONERS

DATE

STATE OF INDIANA
COUNTY, OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared the Tipton County Board of Commissioners who acknowledged the execution of the foregoing County/Developer Inspection Agreement.

WITNESS my hand and Notaries Seal this _____ day of _____ 20_____.

COMMISSION EXPIRATION DATE NOTARY PUBLIC SIGNATURE

COUNTY OF RESIDENCE PRINTED NAME

Date Rec'd. _____
Rec'd. by _____

APPLICATION FOR MINOR SKETCH PLAN REVIEW, PRIMARY
APPROVAL AND CERTIFICATION

Name(s) of Subdivider(s) _____

Address (es) _____

Telephone _____

Representative (if any) and Registered Land S,

Name _____

Address _____

Phone _____

I (we) do hereby apply for sketch plan review, primary approval and certificate of approval of the following described subdivision in accordance with the provisions of the Comprehensive Plan. I (we) am (are) the owner(s) of the real estate included in said subdivision.

Name Of Subdivision _____ generally described as follows:

Civil Township _____ Section _____ Quarter Section _____ Township _____ Range _____
(LEGAL DESCRIPTION OF SUBDIVISION ATTACHED SHEET)

Area in acres _____; Number of Lots _____

Will there be public improvements other than sidewalks? _____ YES: _____ NO

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature(s) of Subdivider(s) _____

State of Indiana)
County of Tipton) SS:

Subscribed and sworn to before me this _____ day of _____, 20 _____

Notary Public

Residing in _____ County: My Commission expires _____

FOR STAFF USE:

Date of Sketch Plan Review _____

Date of Commission/Exec. Committee hearing _____

Fee of \$ _____ received from Subdivider. Date _____

Rec'd. by _____

**APPLICATION FOR MAJOR SKETCH PLAN
REVIEW AND CERTIFICATION**

Name {s} Of Subdivider(s) _____

Address (es) _____

Phone(s) _____

Subdivider's Representative (if any) and Registered Land Surveyor (if any):

Name _____

Address _____

Phone _____

I (we) do hereby apply for sketch plan review and certification of approval of the following described subdivision in accordance with the provisions of the Comprehensive Plan. I (we) am (are) the owner(s) of the real estate included in said subdivision.

Name of Subdivision _____ generally described as follows:

Civil Township _____ Section _____ Quarter Section _____ Township _____ Range _____
(LEGAL DESCRIPTION OF SUBDIVISION ATTACHED HERETO)

Area in Acres _____; Number of Lots _____

Will there be public improvements other than sidewalks? _____ YES _____ NO

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature(s) of Subdivider(s) _____

State of Indiana)
County of Tipton) SS.

Subscribed and sworn to before me this _____ day of _____, 20 _____

Notary Public

Residing in _____ County; My Commission expires _____

FOR STAFF USE:

Date of Sketch Plan Review _____

Fee of \$ _____ received from Subdivider. Date _____

Date Rec'd. _____
Rec'd by _____
S.P. No. _____

**REQUEST FOR PRIMARY APPROVAL OF A
MAJOR SUBDIVISION PLAT**

Name(s) of Subdivider(s) _____

Address (es) _____

Phone(s) _____

Subdivider's Representative (if any) and Registered Land Surveyor (if any)

Name _____

Address _____

Phone _____

I (we) do hereby request primary approval of the following described subdivision in accordance with the provisions of the Comprehensive Plan. I (we) am (are) the owner(s) of the real estate included in said subdivision.

Name of Subdivision _____ generally described as follows:

Civil Township _____ Section _____ Quarter Section _____ Township _____ Range _____

Area in Acres _____; Number of Lots _____

Miles of new streets to be dedicated to the public (in hundredths);

Full Width _____; Half Width _____

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature(s) of Subdivider(s) _____

State of Indiana)
County of Tipton) SS.

Subscribed and Sworn to before me this _____ day of _____, 20 _____

Notary Public

Residing in _____ County: My Commission expires _____

FOR STAFF USE

Date of Public Hearing before Commission _____

Fee for Additional Lots of \$ _____ received from Subdivider. Date _____

NOTICE IS HEREBY GIVEN, THAT THE TIPTON COUNTY PLAN COMMISSION, ON
THE _____ DAY OF _____, 20 _____, AT 7:30 P.M., in the COUNTY
OFFICE BUILDING, INDIANA, WILL HOLD A PUBLIC HEARING ON A REQUEST BY

_____ FOR PRELIMINARY APPROVAL OF _____
(subdivider) (name of subdivision)

SUBDIVISION SAID SUBDIVISION INVOLVES THE FOLLOWING DESCRIBED REAL ESTATE
IN _____ TOWNSHIP LOCATED
(name of Civil Township)

AT _____, TO WIT:
(Common Address or Road Location)

DESCRIPTION

Written suggestions or objections to the provisions of said request may be filed with the Secretary of the Plan Commission at or before such meeting and will be heard by the Tipton County Plan Commission at the time and place specified. Said hearing may be continued from time to time as may be necessary.

Interested persons desiring to present their views on the said request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place.

PLAN COMMISSION OF TIPTON COUNTY, INDIANA

BY: _____
President

SEAL:

Attest: _____

NOTICE OF PUBLIC HEARING RELEASE FORM

TO: (Name of local newspaper)

Name _____

Address _____

Date _____

This is to authorize you to publish the attached legal notice delivered to you by the Tipton County Plan Commission, the cost of which is the obligation of the above and will be paid by me.

Signature: _____

NOTICE TO INTERESTED PARTIES
TIPTON COUNTY
PLAN COMMISSION

Notice is hereby given that the Tipton County Plan Commission, on the

_____ day of _____, 20 _____, at 7:30 p.m. in the [bldg. name] at
[address], Indiana, will hold a public hearing on _____
(Name of Subdivision)

SUBDIVISION. The proposed subdivision involves _____ Lots on _____ acres

Located on _____ between _____
(street or road) (street or road)

and _____ in _____ TOWNSHIP,

SECTION _____ T _____ N _____ R _____ W.

Petitioner

TIPTON COUNTY PLAN COMMISSION
AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
FOR PRIMARY SUBDIVISION APPROVAL

STATE OF INDIANA)
COUNTY OF TIPTON) SS:

(NAME OF SUBDIVISION)

I, _____, DO HEREBY CERTIFY THAT NOTICE TO
INTERESTED PARTIES OF THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING ON
THE ABOVE REFERENCED SUBDIVISION _____
BEING THE APPLICATION OF _____
WAS CERTIFIED AND MAILED TO THE LAST KNOWN ADDRESS OF EACH OF THE
FOLLOWING PERSONS OWNING PROPERTY ADJOINING OR ADJACENT TO THE
PROPERTY CONTAINED IN THIS PETITION:

OWNERS	ADDRESS
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AND THAT SAID NOTICES WERE SENT BY CERTIFIED MAIL ON OR BEFORE
THE _____ DAY OF _____, 20 _____, BEING AT LEAST TEN (10)
DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING.

(Petitioner or Agent)

Subscribed and sworn to before me, a Notary Public in and for said County and State,
this _____ day of _____, 20 _____.

My Commission expires: _____

(Notary Public)

residing in _____ County

SIGN POSTING AFFADAVIT

STATE OF INDIANA)
COUNTY OF TIPTON) SS

R.E: Request for Preliminary
Subdivision Plat Approval
Before the Tipton County
Plan Commission

(Name of Subdivision)

_____, AFTER BEING FIRST DULY SWORN

STATES:

1. that the Ordinance requiring the posting of a sign on property being considered for preliminary subdivision plat approval, as adopted by the participating jurisdictions of the Tipton County Plan Commission, has been fully complied with in connection with the above referenced request; and
2. that said sign(s) was duly erected on the _____ day of _____, 20_____, in full compliance with the requirements of said Ordinance and remains on said property to this date.

Dated this _____ day of _____, 20_____.

(signature of Sign Poster)

Subscribed and sworn to before me this _____ day of _____, 20_____.

(Notary Public)

My Commission expires _____.

Residing in _____ County.

Rec'd. by _____

Plat requires: _____ determination of conformance S.P .No. _____ Date Approved _____
 _____ additional approval Prelim. _____ Date Approved _____
 _____ restrictive covenants received Date _____

I (we) do hereby request determination of conformance with the preliminary plat for the following described subdivision in accordance with the provisions of the Comprehensive Plan. I (we) am (are) the owner(s) of the real estate included in said subdivision.

Subdivider requests: _____ Staff determination of conformance
 _____ Commission determination of conformance

Residing in _____ County: My Commission expires _____

As appropriate _____ Staff determines conformance. Date _____
 _____ Commission determines conformance Date _____
 _____ Commission grants required approval. Date _____

CERTIFICATE OF APPROVAL (ALL SUBDIVISIONS)

After having given public notice of the time, place and nature of hearing on the application for primary approval of this subdivision by publication in (Names of local newspapers) more than ten (ten) days before the date set for hearing thereon, under authority provided by Chapter 138, Acts 1957, enacted by the General Assembly of the State of Indiana, and all acts supplemental and amendatory thereof, this plat was given primary approval by a majority of the members of the Tipton County Plan Commission or its Executive Committee at a meeting held on _____ day of _____, 20 _____.

Tipton County Plan Commission

BY _____
President

ATTEST:

Secretary

LAND SURVEYOR'S CERTIFICATE

Each final plat submitted for secondary approval shall carry a certificate signed by a registered professional land surveyor in substantially the following form:

I _____ hereby certify that I am a registered professional land surveyor of the State of Indiana; that this plat correctly represents a survey completed by me on _____ day of _____, 20 _____; that all the monuments shown thereon actually exist, and that their location, size, type, and material are accurately shown; and that the computed error of closure of the boundary survey is not more than one (1) foot in ten thousand (10,000) feet; and that this plat complies with the provisions of the Subdivision Ordinances.

(SEAL) _____
(Signature)

Each final plat submitted to the Commission for secondary approval shall carry a deed of dedication, either of said final plat or incorporated therein by reference, in substantially the following form:

We, the undersigned _____, owners of the real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the herein plat.

This subdivision shall be known and designated as _____
An addition to the (name of city, town, township), Tipton County, State of Indiana.
All streets and alleys and public open spaces shown and not heretofore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street there shall be erected or maintained no building or structure.

EASEMENTS – Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority of utility company is responsible.

(Additional dedications and protective covenants, or private restrictions would be inserted here upon the Subdivider's initiative or the recommendation of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20 ____, (twenty-five year period), at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the building sites covered by these covenants, it is agreed to change such covenants in whole or in part.

Invalidation of any one of the foregoing covenants (or restrictions) by judgment or court order shall in no wise affect any of the other covenants which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal by due process of law of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

WITNESS OUR HANDS AND SEALS THIS ____ DAY OF _____, 20 ____

State of Indiana
Tipton County

Before me, the undersigned Notary Public, in and for the County and State, personally appeared

_____, _____,

and each separately and severally acknowledged the execution of the foregoing instrument as his
or her voluntary act and deed, for the purpose therein expressed.

WITNESS MY HAND AND NOTARIAL SEAL

THIS ____ DAY OF _____, 20 ____.

Notary Public

Residing in _____ County

My Commission expires _____.

SUBDIVISION PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we, _____
(name and address of principal)
as Principal, and _____, as Surety, are held
(name and address of surety)
and firmly bound unto Tipton County, Indiana, in the sum of _____,
(amount spelled out)
_____, for payment for which we firmly bind ourselves, out heirs,
(numerical amount)
executors, administrators, and assigns.

THE CONDITION OF THIS BOND is such that if the said Principal shall complete the construction
of _____
(complete description of improvements and location of property)
according to the approved plans and specifications on file with the Tipton County Plan
Commission, on or before _____
(not more than 2 years from the date bond is issued)
then this obligation is null and void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this _____
(date and month)

ATTEST: _____ By:

Name of Principal

Signature of Principal

Typed Name of Individual Signing

Name of Surety

APPROVED BY:
TIPTON COUNTY
PLAN COMMISSION

Signature of Representative

Typed Name of Individual Signing

Executive Director

PERFORMANCE BOND-SECURED BY DEPOSIT

KNOW ALL MEN BY THESE PRESENTS:

That I (we), _____, of
_____ in the County of Tipton, Indiana, hereby am (are) held
and stand firmly bound, and bind and obligate myself (ourselves), and my (our) successors,
assigns, executors administrators, heirs, and devisees to Tipton County in the sum of
_____ dollars (\$_____) and have secured my (our) compliance
with this obligation by the deposit with the County Auditor of said sum in money, savings bank
books duly assigned or negotiable securities, in an amount satisfactory to the Plan Commission.

The CONDITION of the obligation is such that is the undersigned or his (their) successors,
assigns,

executors, administrators, heirs, or devisees shall have within the time specified in the order of the
Plan Commission fully and satisfactorily performed in the manner specified, all of the conditions,
covenants, terms, agreements, and provisions contained in the application signed by

_____ and dated _____ day of _____, 20 _____,

and in the approval of a definitive plan of a certain subdivision entitled _____

_____ and drawn up by _____ and dated

_____, 20 _____, which was granted on _____, 20 _____,

or is hereafter granted, by the Plan Commission, then this obligation shall be null and void;

OTHERWISE it shall remain in full force and effect, and the aforesaid security for the payment of
said sum shall be and become the sole property of Tipton County as liquidated damages.

IN WITNESS WHEREOF, the obligor has hereunto set his (its, our) hand(s) and seal(s) this

_____ day of _____, 20 _____.

IRREVOCABLE LETTER OF CREDIT

(Name of Bank)

TIPTON COUNTY
INDIANA

Date: _____

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ _____ for the account of _____ to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before

_____: (insert date twenty-four (24) months from date of this letter)

- 1.
- 2.
- 3.
- 4.

in _____, a subdivision of Tipton County, Indiana. Acting through the Board of County Commissioners, you will notify us when either:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default there under.

All drafts drawn hereunder must be marked: "Drawn under _____, Credit No. _____, dated _____."

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof, and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers, and bona fide holders of drafts under and in compliance with the terms of this credit and the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before _____.

Very truly yours,

Name of Bank

BY: _____
Authorized Signature

TO BE ISSUED ON BONDING COMPANY STATIONARY

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we _____

_____, as Principal, and
Developers Name and Address

_____, as Surety, are held and firmly

Bound unto Tipton County, Indiana, in the full and just sum of

_____, for the payment of which, well and truly

(Written amount, and in Parentheses, numerical amount)

to be made, we bind ourselves, jointly and severally, and joint and several heirs, executors,
administrators, and assigns, firmly by these presents, this _____ day of _____,
20 _____.

THE CONDITIONS OF THE ABOVE OBLIGATION are such that, if the above described
Principal shall well and truly maintain _____

(Describe items to Maintain)

and they shall be free from defects of workmanship and materials, general wear and tear
excepted, for a period of three (3) years, then this obligation shall be null and void, otherwise to
remain in full force and effect.

SIGNED AND SEALED this _____ day of _____, 20 _____.

Witness: _____

Name of Principal

BY: _____
Signature of Principal

Name of Surety

Witness: _____

BY: _____
Signature of Surety
(Type name of Attorney-in-fact)